

CITY of LAGUNA WOODS CITY COUNCIL AGENDA

Regular Meeting
Wednesday, May 17, 2017
2:00 p.m.

Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637

Shari L. Horne
Mayor

Carol Moore
Mayor Pro Tem

Cynthia Conners
Councilmember



Bert Hack
Councilmember

Noel Hatch
Councilmember

Welcome to a meeting of the Laguna Woods City Council!

This meeting may be recorded, televised, and made publically available.

Public Comments: Persons wishing to address the City Council are requested to complete and submit a speaker card to City staff. Speaker cards are available near the entrance to the meeting location. Persons wishing to address the City Council on an item appearing on this agenda will be called upon at the appropriate time during the item's consideration. Persons wishing to address the City Council on an item *not* appearing on the agenda will be called upon during the "Public Comments" item. Persons who do not wish to submit a Speaker Card, or who wish to remain anonymous, may indicate their desire to speak from the floor. Speakers are requested, but not required, to identify themselves.

Americans with Disabilities Act (ADA): It is the intention of the City to comply with the ADA. If you need assistance to participate in this meeting, please contact either the City Clerk's Office at (949) 639-0500/TTY (949) 639-0535 or the California Relay Service at (800) 735-2929/TTY (800) 735-2922. The City requests at least two business days' notice in order to effectively facilitate the provision of reasonable accommodations.

REGULAR MEETING SCHEDULE

The Laguna Woods City Council regularly meets on the third Wednesday of each month at 2 p.m.

AGENDA POSTING AND AVAILABILITY

Regular and Adjourned Regular Meetings: Pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act, the City of Laguna Woods posts agendas at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 02-33, at least 72 hours in advance of regular and adjourned regular meetings. Agendas and agenda materials are available at Laguna Woods City Hall during normal business hours and on the City’s website. Printed copies of agendas and agenda materials are provided at no charge in advance of meetings. After meetings have occurred, a per page fee is charged for printed copies.

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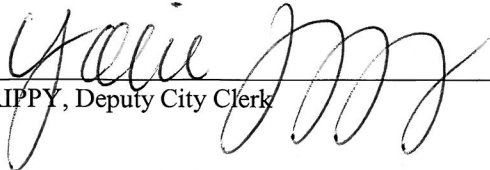
FOR ADDITIONAL INFORMATION

For additional information, please contact the City Clerk’s Office at (949) 639-0500/TTY (949) 639-0535, cityhall@cityoflagunawoods.org, or 24264 El Toro Road, Laguna Woods, California 92637.

AFFIDAVIT OF POSTING

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, Yolie Trippy, Deputy City Clerk, City of Laguna Woods, hereby certify under penalty of perjury that this agenda was posted at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, California 92637; on the City’s website (www.cityoflagunawoods.org); and, at other locations designated by Resolution No. 02-33, pursuant to California Government Code Section 54954.2 of the Ralph M. Brown Act.



YOLIE TRIPPY, Deputy City Clerk

5-12-17

Date

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Saddleback Kiwanis – 50th Anniversary

Recommendation: Approve and present the commendation.

4.2 Drowning Prevention Awareness Period – May-October 2017

Recommendation: Approve and present the proclamation.

4.3 Asian American and Pacific Islander Heritage Month – May 2017

Recommendation: Approve and present the proclamation.

4.4 Building Safety Month – May 2017

Recommendation: Approve and present the proclamation.

4.5 Older Americans Month – May 2017

Recommendation: Approve and present the proclamation.

4.6 Stroke Awareness Month – May 2017

Recommendation: Approve and present the proclamation.

4.7 Water Awareness Month – May 2017

Recommendation: Approve and present the proclamation.

V. PUBLIC COMMENTS

About Public Comments: This is the time and place for members of the public to address the City Council on items *not* appearing on this agenda. Pursuant to State law, the City Council is unable to take action on such items, but may engage in brief discussion, provide direction to City staff, or schedule items for consideration at future meetings.

VI. CONSENT CALENDAR

About the Consent Calendar: All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, City staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

6.1 City Council Minutes

Recommendation: Approve the City Council meeting minutes for the regular meeting on April 19, 2017 and the adjourned regular meeting on April 26, 2017.

6.2 City Treasurer's Report

Recommendation: Receive and file the City Treasurer's Report for the month of April 2017.

6.3 Warrant Register

Recommendation: Approve the warrant register dated May 17, 2017 in the amount of \$790,757.65.

6.4 Fiscal Year 2016-17 Budget Adjustments

Recommendation: Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A FISCAL YEAR 2016-17 BUDGET FOR THE MEASURE M1 FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS FOR THE BEVERAGE CONTAINER RECYCLING FUND AND SENIOR MOBILITY FUND; INCREASING THE

ADOPTED FISCAL YEAR 2016-17 BUDGET AND AUTHORIZING TRANSFERS FROM THE GENERAL FUND TO THE FUEL TAX FUND, MEASURE M2 FUND, SENIOR MOBILITY FUND, MEASURE M1 FUND, AND PROPOSITION 84 GRANT FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS AND AUTHORIZING TRANSFERS FROM THE TRAFFIC MITIGATION FEES FUND AND CALRECYCLE GRANT FUND TO THE GENERAL FUND; AND, AUTHORIZING THE CLOSURE OF THE CALRECYCLE GRANT FUND, MEASURE M1 FUND, PROPOSITION 84 GRANT FUND, AND TRAFFIC MITIGATION FEES FUND

6.5 Code Enforcement Services

Recommendation: Approve an agreement with Willdan Engineering for code enforcement services and authorize the City Manager to execute the agreement, subject to approval as to form by the City Attorney.

6.6 El Toro Road Regional Traffic Signal Synchronization Program Project P

Recommendation:

1. Approve the “El Toro Road Regional Traffic Signal Synchronization Program Project P” design plans and specifications as recommended by the City Engineer/City Traffic Engineer.

AND

2. Award a contract agreement to Elecnor Belco Electric, Inc. for the construction of the “El Toro Road Regional Traffic Signal Synchronization Program Project P”, in the amount of \$354,500, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract agreement and approve change orders, subject to

approval of the contract agreement as to form by the City Attorney.

AND

3. Authorize the City Manager to enter into agreements with the Orange County Transportation Authority, California Department of Transportation, and participating agencies, as necessary, to facilitate the reimbursement of funds for the “El Toro Road Regional Traffic Signal Synchronization Program Project P”, subject to approval as to form by the City Attorney.

6.7 Moulton Parkway Regional Traffic Signal Synchronization Program Project P

Recommendation:

1. Approve the “Moulton Parkway Regional Traffic Signal Synchronization Program Project P” design plans and specifications as recommended by the City Engineer/City Traffic Engineer.

AND

2. Award a contract agreement to Elecnor Belco Electric, Inc. for the construction of the “Moulton Parkway Regional Traffic Signal Synchronization Program Project P”, in the amount of \$263,289, plus authorized change orders not to exceed 10% of the base amount; and authorize the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney.

AND

3. Authorize the City Manager to enter into agreements with the Orange County Transportation Authority, California Department of Transportation, and participating agencies, as necessary, to facilitate the reimbursement of funds for the “Moulton Parkway

Regional Traffic Signal Synchronization Program Project P”, subject to approval as to form by the City Attorney.

6.8 City Hall Restroom Repair and Improvement Project

Recommendation: Reject all bids received for the “City Hall Restroom Repair and Improvement Project”.

6.9 Urban County Community Development Block Grant and Other Programs Cooperation Agreement

Recommendation: Approve amendment four to the cooperation agreement with the County of Orange related to participation in the Urban County Community Development Block Grant (CDBG) program and other United States Department of Housing and Urban Development programs, and authorize the City Manager to execute the amendment subject to approval as to form by the City Attorney.

VII. PUBLIC HEARINGS

7.1 Conditional Use Permit CUP-1135 to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village

Recommendation:

1. Receive staff report.

AND

2. Open public hearing.

AND

3. Receive public testimony.

AND

4. Close public hearing.

AND

5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1135 TO ALLOW FOR EXCEEDANCES OF MAXIMUM FENCE AND WALL HEIGHT PROVISIONS OF THE LAGUNA WOODS MUNICIPAL CODE, ALONG ALL PERIMETER FENCES AND WALLS OF LAGUNA WOODS VILLAGE, LAGUNA WOODS, CA 92637

VIII. CITY COUNCIL BUSINESS

- 8.1 State Video Franchise and Public, Educational, and Governmental (“PEG”) Fees

Recommendation: Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RETROACTIVELY READOPTING SECTION 6.42.020 OF CHAPTER 6.42 OF TITLE 6 OF THE LAGUNA WOODS MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE AND PEG FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

- 8.2 Medical and Non-Medical Marijuana Dispensary Regulations

Recommendation: Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.025 AND ADDING A NEW SECTION 13.26.027 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA DISPENSARIES AND DELIVERY SERVICES

8.3 Unfunded Retirement Liability

Recommendation: Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGET FOR THE GENERAL FUND FOR PURPOSES RELATED TO MAKING LUMP SUM PAYMENTS TO PAY OFF THE CITY'S CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM (CALPERS) UNFUNDED ACCRUED LIABILITY AS OF JUNE 30, 2015, AND MAKING RELATED AUTHORIZATIONS

8.4 City Council Meeting Schedule

Recommendation: Approve the City Council meeting schedule for Fiscal Year 2017-18.

8.5 Fiscal Years 2017-19 Budget and Work Plan Development

Recommendation: Discuss and provide direction to staff.

IX. CITY COUNCIL REPORTS AND COMMENTS

About City Council Comments and Reports: This is the time and place for members of the City Council to provide reports on meetings attended including, but not limited to, meetings of regional boards and entities to which they have been appointed to represent the City and meetings attended at the expense of the City pursuant to California Government Code Section 53232.3. Members of the City Council may also make other comments and announcements.

- 9.1 Coastal Greenbelt Authority
Councilmember Conners; Alternate: Mayor Horne
- 9.2 Orange County Fire Authority
Councilmember Hatch
- 9.3 Orange County Library Advisory Board
Mayor Pro Tem Moore; Alternate: Mayor Horne
- 9.4 Orange County Mosquito and Vector Control District
Mayor Horne
- 9.5 San Joaquin Hills Transportation Corridor Agency
Councilmember Hack; Alternate: Councilmember Conners
- 9.6 South Orange County Watershed Management Area
Mayor Pro Tem Moore; Alternate: Councilmember Hatch
- 9.7 Other Comments and Reports

X. CLOSED SESSION

XI. CLOSED SESSION REPORT

XII. ADJOURNMENT

Next Regular Meeting: Wednesday, June 21, 2017 at 2 p.m.
Laguna Woods City Hall
24264 El Toro Road, Laguna Woods, California 92637

**4.1
COMMENDATION –
SADDLEBACK KIWANIS –
50TH ANNIVERSARY**

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**Certificate of Commendation
City of Laguna Woods
Saddleback Kiwanis
50th Anniversary**

WHEREAS, Saddleback Kiwanis was founded on April 22, 1967 by local residents; and

WHEREAS, the members of Saddleback Kiwanis are dedicated to “changing the world, one child and one community at a time”; and

WHEREAS, Saddleback Kiwanis promotes the development of community leaders and positive role models, intercultural understanding and cooperation, fellowship, personal growth, professional development, and community service; and

WHEREAS, since its founding, Saddleback Kiwanis has awarded nearly \$1 million in scholarships to students attending local high schools and colleges; and

WHEREAS, the members of Saddleback Kiwanis’ Take Pride Committee selflessly volunteer their time to collect trash and litter from streets in Laguna Woods; and

WHEREAS, Saddleback Kiwanis has actively supported the community by sponsoring a variety of clubs and making contributions to the Florence Sylvester Memorial Senior Center, South County Outreach, and other local organizations; and

WHEREAS, it is fitting to recognize and commemorate momentous anniversaries of clubs and organizations that provide services to Laguna Woods residents.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby congratulate Saddleback Kiwanis on the occasion of its 50th Anniversary.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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4.2
**PROCLAMATION –
DROWNING PREVENTION AWARENESS
PERIOD – MAY-OCTOBER 2017**

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**Proclamation
City of Laguna Woods
Drowning Prevention Awareness Period
May – October 2017**

WHEREAS, drowning is the leading cause of death and disability in California for children under five years of age, and in 2016 there were three fatal drownings and 26 non-fatal incidents in Orange County; and

WHEREAS, drowning is a major problem for adults 50 years of age and older, and in 2016 there were 19 fatal drownings and four non-fatal incidents in Orange County; and

WHEREAS, fatal and non-fatal drowning is a silent event that can occur in as little as two inches of water, including swimming pools, spas, lakes, the ocean, and any other body of water; and

WHEREAS, the Orange County Fire Authority’s 24-week water safety campaign began in May and will continue through October; and

WHEREAS, the themes of this year’s water safety campaign are “Always Watch Your Child Around Water” and “Never Swim Alone.”

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May – October 2017 as a “Drowning Prevention Awareness Period” in the City of Laguna Woods and encourages residents and businesses to increase their knowledge of proper safety measures to prevent drowning.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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4.3
PROCLAMATION –
ASIAN AMERICAN AND PACIFIC ISLANDER
HERITAGE MONTH – MAY 2017

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**Proclamation
City of Laguna Woods
Asian American and Pacific Islander
Heritage Month
May 2017**

WHEREAS, Asian Americans and Pacific Islanders have played a critical role in the social, economic, and political development of the United States; and

WHEREAS, Asian Americans and Pacific Islanders are one of the fastest growing ethnic populations in the state of California; and

WHEREAS, Asian Americans and Pacific Islanders represent more than 11 percent of the population of Laguna Woods; and

WHEREAS, Asian American and Pacific Islander clubs and communities throughout Laguna Woods actively promote cultural heritage and understanding; and

WHEREAS, Asian Americans and Pacific Islanders have a proud legacy of service and dedication to our community, state, and country.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2017 as “Asian American and Pacific Islander Heritage Month” in the City of Laguna Woods and encourages reflection on the accomplishments that Asian Americans and Pacific Islanders have made throughout history.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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**4.4
PROCLAMATION –
BUILDING SAFETY MONTH –
MAY 2017**

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**Proclamation
City of Laguna Woods
Building Safety Month
May 2017**

WHEREAS, “Building Safety Month” exists to raise awareness of the importance of building safety in the construction industry and to recognize the lives saved due to the implementation of building codes by local and state agencies; and

WHEREAS, building codes address critical issues of safety, energy efficiency, and sustainability in the built environment that benefit residents and businesses, both in everyday life and in times of disaster; and

WHEREAS, there are steps that all Americans can take to ensure that the places where they live, learn, work, worship, and play are safe and sustainable, including obtaining appropriate building permits and constructing lawful improvements.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2017 as “Building Safety Month” in the City of Laguna Woods and encourages residents and businesses to recognize the importance of building safety.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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4.5
PROCLAMATION –
OLDER AMERICANS MONTH –
MAY 2017

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Proclamation
City of Laguna Woods
Older Americans Month
May 2017

WHEREAS, Laguna Woods is a unique community with an average age of 77; and

WHEREAS, throughout their lives, the residents of Laguna Woods have made countless contributions and sacrifices to ensure a better life for future generations; and

WHEREAS, the City of Laguna Woods recognizes that older adults are trailblazers — advocating for themselves, their peers, and their communities — and paving the way for future generations; and

WHEREAS, the City of Laguna Woods is committed to raising awareness about issues facing older adults and helping older adults to thrive in communities of their choice for as long as possible; and

WHEREAS, our community can provide opportunities to enrich the lives of individuals of all ages by promoting and engaging in activity, wellness, and social involvement; emphasizing home- and community-based services that support independent living; and, ensuring that others can benefit from the contributions and experience of older adults.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2017 as “Older Americans Month” in the City of Laguna Woods and encourages the recognition of older adults and the people who serve them as being powerful and vital to the fabric of our country.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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4.6
**PROCLAMATION –
STROKE AWARENESS MONTH –
MAY 2017**

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**Proclamation
City of Laguna Woods
Stroke Awareness Month
May 2017**

WHEREAS, stroke is a leading cause of serious long-term disability and death in the United States, killing about 133,000 people each year; and

WHEREAS, approximately 795,000 people in the United States have a stroke each year, with someone having a stroke every 40 seconds and someone dying of a stroke every four minutes; and

WHEREAS, most Americans do not know if they are at risk for stroke and one in three Americans cannot recall any stroke warning signs or symptoms; and

WHEREAS, the F.A.S.T. warning signs and symptoms of stroke include face drooping, arm weakness, and, speech difficulty; and beyond F.A.S.T., additional stroke warning signs and symptoms include sudden numbness or weakness of the face, arm or leg, especially on one side of the body; sudden confusion, trouble speaking or understanding; sudden trouble seeing in one or both eyes; sudden trouble walking, dizziness, loss of balance or coordination; and, sudden severe headache with no known cause; and

WHEREAS, recognizing stroke warning signs and symptoms, and acting immediately to get medical attention, can save lives and limit disabilities.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2017 as “Stroke Awareness Month” in the City of Laguna Woods and encourages residents to learn the warning signs and symptoms of strokes.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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**4.7
PROCLAMATION –
WATER AWARENESS MONTH –
MAY 2017**

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**Proclamation
City of Laguna Woods
Water Awareness Month
May 2017**

WHEREAS, California recently experienced one of its most severe droughts on record with unprecedented actions necessary to protect water resources; and

WHEREAS, while Governor Brown has lifted the drought state of emergency in much of California, he has warned that “the next drought could be around the corner”; and

WHEREAS, water conservation continues to be an essential way of life; and

WHEREAS, the El Toro Water District offers a variety of residential and commercial rebate programs in support of indoor and outdoor water savings; and

WHEREAS, working together to promote efficient water use and conservation habits will help to ensure that Laguna Woods will have water supplies for years to come.

NOW, THEREFORE, BE IT RESOLVED that the Laguna Woods City Council does hereby proclaim May 2017 as “Water Awareness Month” in the City of Laguna Woods and encourages residents and businesses to conserve water wherever possible.

Dated this 17th day of May, 2017

Shari L. Horne
Mayor

Attest: Yolie Trippy
Deputy City Clerk

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6.1-6.9
CONSENT CALENDAR SUMMARY

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: May 17, 2017 Regular Meeting
SUBJECT: Consent Calendar Summary

Recommendation

Approve all proposed actions on the May 17, 2017 Consent Calendar by single motion and City Council action.

Background

All items listed on the Consent Calendar are considered routine and will be enacted by one vote. There will be no separate discussion of these items unless a member of the City Council, staff, or the public requests that specific items be removed from the Consent Calendar for separate discussion and consideration of action.

Summary

The May 17, 2017 Consent Calendar contains the following items:

- 6.1 Approval of the City Council meeting minutes for the regular meeting on April 19, 2017 (Attachment A) and the adjourned regular meeting on April 26, 2017 (Attachment B).
- 6.2 Approval of a motion to receive and file the City Treasurer's Report for the month of April 2017.
- 6.3 Approval of the warrant register dated May 17, 2017 in the amount of \$790,757.65. A list of warrants is included in the agenda packet; detailed information about individual warrants is available at City Hall.

6.4 Approval of a resolution:

- Adopting a Fiscal Year 2016-17 budget for the Measure M1 Fund;
- Increasing the adopted Fiscal Year 2016-17 budgets for the Beverage Container Recycling Fund and Senior Mobility Fund;
- Increasing the adopted Fiscal Year 2016-17 budget and authorizing transfers from the General Fund to the Fuel Tax Fund, Measure M2 Fund, Senior Mobility Fund, Measure M1 Fund, and Proposition 84 Grant Fund;
- Increasing the adopted Fiscal Year 2016-17 budgets and authorizing transfers from the Traffic Mitigation Fees Fund and CalRecycle Grant Fund to the General Fund; and
- Authorizing the closure of the CalRecycle Grant Fund, Measure M1 Fund, Proposition 84 Grant Fund, and Traffic Mitigation Fees Fund.

The proposed budget adjustments are necessary for the reasons set forth in the resolution, which generally relate to 1) adjusting the current fiscal year's budget to accommodate unanticipated expenditures, including a one-time, \$90,000 contribution from the General Fund to the Senior Mobility Fund, due to an increase in program usage and costs; 2) increasing appropriations and authorizing transfers to resolve past issues related to fund balance and expenditures in several funds; and, 3) authorizing the closure of several funds that are no longer in use. In January 2017, the City Council approved modifications to Senior Mobility Program fees, which will take effect for travel after June 30, 2017. It is anticipated that those modifications will help to moderate and reduce potential future impacts on the General Fund.

- 6.5 Approval of an agreement with Willdan Engineering for code enforcement services and authorization for the City Manager to execute the agreement, subject to approval as to form by the City Attorney. A Request for Proposals (RFP) for code enforcement services was released on March 23, 2017 with proposals due by April 14, 2017. A total of two proposals were received (Lilley Planning Group and Willdan Engineering). After reviewing both proposals, staff recommends that the City Council award the agreement to Willdan Engineering due to factors including cost and experience. Willdan Engineering currently provides, or has provided, code enforcement services for the County of Orange and cities including Goleta, Highland, and Tustin.

- 6.6 [1] Approval of the “El Toro Road Regional Traffic Signal Synchronization Program Project P” design plans and specifications as recommended by the City Engineer/City Traffic Engineer (available at City Hall); [2] Award of a contract agreement to Elecnor Belco Electric, Inc. for the construction of the “El Toro Road Regional Traffic Signal Synchronization Program Project P”, in the amount of \$354,500, plus authorized change orders not to exceed 10% of the base amount; and authorization for the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney; and, [3] Authorization FOR the City Manager to enter into agreements with the Orange County Transportation Authority, California Department of Transportation, and participating agencies, as necessary, to facilitate the reimbursement of funds for the “El Toro Road Regional Traffic Signal Synchronization Program Project P”, subject to approval as to form by the City Attorney. This project is included in the City’s Capital Improvement Program. Bids were invited from April 13 through May 4, 2017. Six bids were received (Calpromax Engineering, Crosstown Electrical & Data, DBX, Dynalectric EMCOR Group, Elecnor Belco Electric, and PTM General Engineering Services) with Elecnor Belco Electric, Inc. bidding the lowest cost.
- 6.7 Approval of the “Moulton Parkway Regional Traffic Signal Synchronization Program Project P” design plans and specifications as recommended by the City Engineer/City Traffic Engineer (available at City Hall); [2] Award of a contract agreement to Elecnor Belco Electric, Inc. for the construction of the “Moulton Parkway Regional Traffic Signal Synchronization Program Project P”, in the amount of \$263,289, plus authorized change orders not to exceed 10% of the base amount; and authorization for the City Manager to execute a contract agreement and approve change orders, subject to approval of the contract agreement as to form by the City Attorney; and, [3] Authorization for the City Manager to enter into agreements with the Orange County Transportation Authority, California Department of Transportation, and participating agencies, as necessary, to facilitate the reimbursement of funds for the “Moulton Parkway Regional Traffic Signal Synchronization Program Project P”, subject to approval as to form by the City Attorney. This project is included in the City’s Capital Improvement Program. Bids were invited from April 13 through May 4, 2017. Six bids were received (Calpromax Engineering, Crosstown Electrical & Data, DBX, Dynalectric EMCOR Group, Elecnor Belco Electric, and PTM General Engineering Services) with Elecnor Belco Electric, Inc. bidding the lowest cost.

- 6.8 Rejection of all bids received for the “City Hall Restroom Repair and Improvement Project”. Bids were invited for the project from April 13 through May 11, 2017. Two bids were received (AGM Construction and Painting and Décor); however, due to cost, staff is recommending that all bids be rejected. If rejected, staff would review the plans and specifications for the Project and issue a new solicitation for bids.
- 6.9 Approval of amendment four to the cooperation agreement with the County of Orange related to participation in the Urban County Community Development Block Grant (CDBG) program and other United States Department of Housing and Urban Development programs, and authorization for the City Manager to execute the amendment subject to approval as to form by the City Attorney. The amendment would extend the agreement, which was initially approved by the City Council in June 2005, to June 30, 2021. The agreement allows the City to compete for CDBG and other Department of Housing and Urban Development funding.

6.1
CITY COUNCIL MINUTES

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**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
REGULAR MEETING
April 19, 2017
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Horne called the Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

II. ROLL CALL

COUNCILMEMBER: PRESENT: Conners, Hatch, Moore, Horne
 ABSENT: Hack

STAFF PRESENT: City Manager Macon, City Attorney Cosgrove, Administrative Services Director/City Treasurer Cady, Deputy City Clerk Trippy, Development Programs Analyst Pennington

III. PLEDGE OF ALLEGIANCE

Lilly Lachter, resident, led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Moment of Silence – Holocaust Week of Remembrance – April 23-30, 2017

Stuart Hack, Reform Temple of Laguna Woods, made comments.

Councilmember Hack entered the meeting at 2:06 p.m.

Councilmembers made comments.

Mayor Horne called for a moment of silence.

A moment of silence was observed.

4.2 National Donate Life Month – April 2017

Jim Salzer, One Legacy, made comments.

Councilmembers made comments.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

4.3 Environmental Awareness Week – April 22-28, 2017

Councilmembers made comments.

Moved by Councilmember Hatch, seconded by Councilmember Conners, and carried unanimously on a 5-0 vote, to approve and present the proclamation.

V. PUBLIC COMMENT

City Manager Macon noted that the public hearing item regarding “Conditional Use Permit CUP-1135 to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village” has been cancelled. He stated that it would be brought before the City Council at a future meeting.

Dan Daley, Alzheimer’s Orange County, encouraged the community to contact Alzheimer’s Orange County if they know anyone who is affected by memory loss.

Mary Wall, resident, asked that the bus shelter in front of Laguna Woods Village Gate 5 be replaced, expressed concern regarding the City’s tree trimming and landscaping, and stated that golf carts should not be allowed to travel on sidewalks.

City Manager Macon noted that the City’s tree trimming is performed by licensed tree trimming contractors following a scope of work prepared by a certified arborist.

VI. CONSENT CALENDAR

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried unanimously on a 5-0 vote, to approve Consent Calendar Items 6.1 – 6.16.

6.1 City Council Minutes

Approved the City Council meeting minutes for the regular meeting on February 15, 2017.

6.2 City Treasurer’s Report

Received and filed the City Treasurer’s Report for the months of February and March 2017.

6.3 Warrant Register

Approved the warrant register dated April 19, 2017 in the amount of \$1,157,869.68.

6.4 Network Server and Printers Replacement and Upgrade

Authorized the City Manager to transfer and expend up to \$22,000 from the Fiscal Year 2016-17 General Fund City Council Contingency budget to offset costs associated with the replacement and upgrade of the network server and printers.

6.5 Investment of Financial Assets Policy

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, REVIEWING AND ADOPTING A STATEMENT OF THE INVESTMENT POLICY AND ADOPTING AN INVESTMENT POLICY

6.6 Orange County Investment Pool

Approved a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING THE DEPOSIT AND INVESTMENT OF EXCESS FUNDS WITH THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ORANGE, CALIFORNIA

6.7 City Attorney Services

Approved a legal representation letter extending the agreement with Rutan & Tucker, LLP for legal services as City Attorney and authorized the Mayor to execute an acceptance of and agreement to the terms of the legal representation letter.

6.8 As Needed Planning Services

Approved an extension of the agreement with Michael Baker International, Inc. for as needed planning services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.9 Water Quality Services

Approved an extension of the agreement with Charles Abbott Associates, Inc. for water quality services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.10 Building Inspection, Permit Counter, and Building Official Services

Approved an extension of the agreement with CivilSource, Inc. for building inspection, permit counter, and building official services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.11 City Engineering and Traffic Operations Services

Approved an extension of the agreement with CivilSource, Inc. for City engineering and traffic operations services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.12 Building Official Services

Approved an extension of the agreement with Lilley Planning Group for building official services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.13 Certified Access Specialist (CASp) and Building Plan Review Services

Approved an extension of the agreement with CSG Consultants, Inc. for Certified Access Specialist (CASp) and building plan review services and authorized the City Manager to execute the extension, subject to approval as to form by the City Attorney.

6.14 Laguna Woods Civic Support Fund

1. Approved a memorandum of understanding with the Laguna Woods Civic Support Fund related to fundraising and distribution of funds, and insurance, and authorized the Mayor to execute the memorandum of understanding, subject to approval as to form by the City Attorney.

AND

2. Appointed the following individuals to the Board of Directors for the Laguna Woods Civic Support Fund: Fran Williams as a resident member and Steve Carpenter as a business member.

6.15 Moulton Parkway Water Efficient Median Improvement Project

Rejected the single bid received for the “Moulton Parkway Water Efficient Median Improvement Project”.

6.16 Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility

1. Approved the “Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility” design plans and specifications as recommended by the City Engineer.

AND

2. Awarded a contract agreement to El Camino Asphalt Paving Corp. for the construction of the “Pavement Management Plan Project 1) Eastbound El Toro Road (Avenida Sevilla to Paseo de Valenica) 2) Pedestrian Accessibility”, in the amount of \$55,000, plus authorized change orders not to exceed 10% of the base amount; and authorized the City Manager to execute a contract agreement and approved change orders, subject to approval of the contract agreement as to form by the City Attorney.

VII. PUBLIC HEARINGS

- 7.1 Sign Program SP-1164 to allow for various signage at 24256-24290 El Toro Road and 24310-24380 Moulton Parkway, Laguna Woods, CA 92637

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Mayor Horne opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers discussed the item and staff answered related questions.

Councilmember Hack left the meeting at 3:17 p.m.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried unanimously on a 4-0 vote, with Councilmember Hack absent, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING SIGN PROGRAM SP-1164 TO ALLOW FOR VARIOUS SIGNAGE AT 24256-24290 EL TORO ROAD AND 24310-24380 MOULTON PARKWAY, LAGUNA WOODS, CA 92637

- 7.2 State Video Franchise and Public, Educational, and Governmental (“PEG”) Fees

City Manager Macon made a presentation.

Mayor Horne opened the public hearing.

With no requests to speak, the public hearing was closed.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried on a 4-0 vote, with Councilmember Hack absent, to adopt an ordinance – read by title with

further reading waived – entitled:

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RETROACTIVELY READOPTING SECTION 6.42.020 OF CHAPTER 6.42 OF TITLE 6 OF THE LAGUNA WOODS MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE AND PEG FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

AND

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on a 4-0 vote, with Councilmember Hack absent, to approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RETROACTIVELY READOPTING SECTION 6.42.020 OF CHAPTER 6.42 OF TITLE 6 OF THE LAGUNA WOODS MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE AND PEG FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

7.3 Building, Planning, and Encroachment Permit Fees

City Manager Macon made a presentation.

Mayor Horne opened the public hearing.

With no requests to speak, the public hearing was closed.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch, and carried on a 4-0 vote, with Councilmember Hack absent, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING NEW AND INCREASED OR MODIFIED BUILDING AND PLANNING SERVICES FEES, AND ENCROACHMENT PERMIT FEES

7.4 Medical and Non-Medical Marijuana Dispensary Regulations

City Manager Macon and City Attorney Cosgrove made a presentation.

Councilmembers discussed the item and staff answered related questions.

Mayor Horne opened the public hearing.

Lonnie Painter, Laguna Woods Medical Cannabis and Village Cannabis Club, expressed his support for resident access to medical marijuana in the City.

Lucette Wilson, resident, suggested that medical marijuana dispensaries in the City could be required to provide their own security.

Adrian Gonzalez, property owner in the City, suggested implementing a tax on medical marijuana dispensaries to offset City costs.

An unidentified member of the public reiterated Mr. Gonzalez's thoughts and expressed his support for medical marijuana in the City.

Kathryn Freshley, resident, expressed her opposition to marijuana dispensaries in the City.

With no other requests to speak, the public hearing was closed.

City Manager Macon briefly responded to comments made during the public hearing.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried on a 4-0 vote, with Councilmember Hack absent, to approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.025 AND ADDING A NEW SECTION 13.26.027 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA DISPENSARIES AND DELIVERY SERVICES

VIII. CITY COUNCIL BUSINESS

8.1 Wireless Facilities Regulations

City Manager Macon made a presentation.

Moved by Councilmember Conners, seconded by Mayor Pro Tem Moore, and carried on

a 4-0 vote, with Councilmember Hack absent, to approve the introduction and first reading of an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.06.010, 13.08.010, 13.10.020, 13.12.020, 13.13.020, 13.24.020, AND 13.26.210 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO THE INSTALLATION AND MODIFICATION OF WIRELESS FACILITIES

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

Councilmember Connors provided a report.

9.2 Orange County Fire Authority

Councilmember Hatch provided a report.

Mayor Pro Tem Moore briefly responded to the report.

9.3 Orange County Library Advisory Board

Mayor Pro Tem Moore stated that there had been no meeting since the last meeting. She reported on a recent executive committee meeting.

Councilmember Hatch briefly responded to the report.

9.4 Orange County Mosquito and Vector Control District

Mayor Horne provided a report.

Mayor Pro Tem Moore briefly responded to the report.

9.5 San Joaquin Hills Transportation Corridor Agency

No report was given due to Councilmember Hack's absence.

9.6 South Orange County Watershed Management Area

Mayor Pro Tem Moore provided a report.

Councilmembers briefly responded to the report.

9.7 Other Comments and Reports

Mayor Horne reported on a recent meeting of the Orange County Strategic Plan for Aging.

Councilmember Hatch briefly responded to the report.

Mayor Horne reported on a recent tour of the Dairy Fork Constructed Wetland, which is currently under construction.

Councilmembers briefly responded to Mayor Horne’s report.

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 5:47 p.m. The next adjourned regular meeting will be at 2:00 p.m. on Wednesday, April 26, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637. The next regular meeting will be at 2:00 p.m. on Wednesday, May 17, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: May 17, 2017

SHARI L. HORNE, Mayor

**CITY OF LAGUNA WOODS CALIFORNIA
CITY COUNCIL MINUTES
ADJOURNED REGULAR MEETING
April 26, 2017
2:00 P.M.
Laguna Woods City Hall
24264 El Toro Road
Laguna Woods, California 92637**

I. CALL TO ORDER

Mayor Horne called the Adjourned Regular Meeting of the City Council of the City of Laguna Woods to order at 2:00 p.m.

II. ROLL CALL

COUNCILMEMBER: PRESENT: Conners, Hatch, Moore, Horne
 ABSENT: Hack

STAFF PRESENT: City Manager Macon, Assistant City Attorney Patterson,
 Administrative Services Director/City Treasurer Cady, Deputy
 City Clerk Trippy

III. PLEDGE OF ALLEGIANCE

Nick Bernardino led the pledge of allegiance.

IV. PRESENTATIONS AND CEREMONIAL MATTERS

4.1 Foundation of Laguna Woods Village – 20th Anniversary

Marcy Sheinwold, Foundation of Laguna Woods Village, made comments.

Councilmembers made comments.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Conners, and carried on a 4-0 vote, with Councilmember Hack absent, to approve and present the commendation.

4.2 Heroes Hall at the OC Fair & Event Center Presentation

Nick Bernardino provided an overview of the background, construction, and amenities of the new Heroes Hall at the OC Fair & Event Center.

Councilmembers made comments and Mr. Bernardino answered related questions.

4.3 OC Human Relations Commission Annual Report

Ken Inouye presented the annual report for the OC Human Relations Commission.

Councilmembers made comments and Mr. Inouye answered related questions.

V. PUBLIC COMMENT – None

VI. CONSENT CALENDAR – None

VII. PUBLIC HEARINGS – None

VIII. CITY COUNCIL BUSINESS

8.1 Orange County Food to Families – Food Waste to Energy Organics Recycling Program

City Manager Macon introduced the item.

Chip Monaco, Waste Management, made a presentation.

Councilmembers discussed the item and Mr. Monaco answered related questions.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Connors and carried on a 4-0 vote, with Councilmember Hack absent, to approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AUTHORIZING THE CITY'S PARTICIPATION IN THE "ORANGE COUNTY FOOD TO FAMILIES – FOOD WASTE TO ENERGY ORGANICS RECYCLING PROGRAM" AND GRANT APPLICATION FOR THE COUNTY OF ORANGE'S FOURTH CYCLE REGIONAL RECYCLING AND WASTE REDUCTION GRANT PROGRAM, AND MAKING RELATED AUTHORIZATIONS

8.2 Fiscal Year 2016-17 Budget Update

City Manager Macon made a presentation.

Kathryn Freshley, resident, asked if revenues received later this fiscal year would make up for the perceived shortfall of revenues through the first seven months of the fiscal year.

City Manager Macon clarified that the City does not receive revenue in even installments. He noted that staff does not anticipate a shortfall this fiscal year.

Councilmembers discussed the item and staff answered related questions.

8.3 Fiscal Years 2017-19 Budget and Work Plan Development

City Manager Macon made a presentation.

Councilmembers discussed the item and staff answered related questions.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff not to budget for long-term disability insurance for employees in the draft Fiscal Years 2017-19 Budget and Work Plan.

Moved by Mayor Pro Tem Moore, seconded by Councilmember Hatch and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff not to budget for the Sharps Waste Mail-Back Program in the draft Fiscal Years 2017-19 Budget and Work Plan.

Moved by Councilmember Hatch, seconded by Mayor Pro Tem Moore and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff not to budget for the Residential Energy Efficiency Improvement Program in the draft Fiscal Years 2017-19 Budget and Work Plan.

Moved by Councilmember Hatch, seconded by Councilmember Connors and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff to prepare the draft Fiscal Years 2017-19 Budget and Work Plan with continued use of the six existing priority focus areas.

Moved by Councilmember Hatch, seconded by Councilmember Connors and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff to include implementation of electronic permitting in the draft Fiscal Years 2017-19 Budget and Work Plan.

Moved by Councilmember Connors, seconded by Mayor Pro Tem Moore and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff to include an update of the Local Hazard Mitigation Plan in the draft Fiscal Years 2017-19 Budget and Work Plan.

Kathryn Freshley, resident, responding to a discussion regarding a work plan item related to the 2020 United States Census, noted that the Laguna Woods Village housing mutual have been working on confirming how many people live in each unit.

Mayor Horne asked that a work plan item be included for staff to review the City's current smoking ordinance and update, if necessary. She expressed interest in considering whether modifications could be made as recommended in the American Lung Association's State of Tobacco Control report.

Moved by Mayor Horne, seconded by Councilmember Connors and carried on a 4-0 vote, with Councilmember Hack absent, to direct staff to include a review and update of smoking regulations in the draft Fiscal years 2017-19 Budget and Work Plan.

Rudy Padrol, member of the public, asked about the City's medical marijuana ordinance.

Staff advised Mr. Padrol to contact Rebecca Pennington, Development Programs Analyst, with specific questions. Staff also advised that the moratorium remains in place and that the ordinance that was introduced and approved for first reading at the meeting on April 19, 2017, requires further City Council action and is not currently effective.

8.4 Unfunded Retirement Liability

By consensus, the City Council agreed to move Item 8.4 to the May 17, 2017 meeting.

IX. CITY COUNCIL REPORTS AND COMMENTS

9.1 Coastal Greenbelt Authority

No report was given.

9.2 Orange County Fire Authority

No report was given.

9.3 Orange County Library Advisory Board

No report was given.

9.4 Orange County Mosquito and Vector Control District

No report was given.

9.5 San Joaquin Hills Transportation Corridor Agency

No report was given.

9.6 South Orange County Watershed Management Area

No report was given.

9.7 Other Comments and Reports – None

X. CLOSED SESSION – None

XI. CLOSED SESSION REPORT – None

XII. ADJOURNMENT

The meeting was adjourned at 5:09 p.m. The next regular meeting will be at 2:00 p.m. on Wednesday, May 17, 2017, at Laguna Woods City Hall, 24264 El Toro Road, Laguna Woods, CA 92637.

YOLIE TRIPPY, Deputy City Clerk

Adopted: May 17, 2017

SHARI L. HORNE, Mayor

6.2
CITY TREASURER'S REPORT

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City of Laguna Woods
City Treasurer's Report
For the Month Ended April 30, 2017

ITEM 6.2

CASH AND INVESTMENTS

	Beginning Balances As of 3/31/17	Earnings & Receipts	Disbursements	Other Adjustments	Ending Balances As of 4/30/17	% of Total Cash & Investment Balances	Maximum % Allowed per Investment Policy
Cash and Cash Equivalents							
Analyzed Checking Account (Note 3)	\$ 523,145	\$ 857,524	\$ (818,040)	\$ -	\$ 562,629		
Petty Cash	1,521	-	(139)	-	1,382		
Total Cash and Cash Equivalents	\$ 524,665	\$ 857,524	\$ (818,179)	\$ -	\$ 564,010	5.30%	100.00%
Investments - Interest and Income Bearing							
Local Agency Investment Fund (LAIF) (Notes 1 and 2)	\$ 8,584,065	\$ 16,834	\$ -	\$ -	\$ 8,600,898	80.86%	90.00%
Certificates of Deposit	1,471,855	202	-	-	1,472,058	13.84%	20.00%
Total Investments	\$ 10,055,920	\$ 17,036	\$ -	\$ -	\$ 10,072,956		
<hr/>							
TOTAL CASH, CASH EQUIVALENTS, AND INVESTMENTS	\$ 10,580,585	\$ 874,560	\$ (818,179)	\$ -	\$ 10,636,966		

Summary of Total Cash, Cash Equivalents, and Investments (Note 4):

	General Fund	Special Revenue Funds	Totals
Analyzed Checking	\$ (893,127)	\$ 1,455,755	\$ 562,629
Petty Cash	\$ 1,382	\$ -	\$ 1,382
LAIF	\$ 8,600,898	\$ -	\$ 8,600,898
Certificates of Deposit	\$ 1,472,058	\$ -	\$ 1,472,058
Totals	\$ 9,181,211	\$ 1,455,755	\$ 10,636,966

Notes:

Note 1 - LAIF / During this period there were no transfers to or from the LAIF account.

Note 2 - LAIF / LAIF reports interest earnings quarterly. Interest earnings for the quarter ended March 31, 2017 of \$16,833.91 posted in April.

Note 3 - Analyzed Checking Account / Monthly activity reported does not reflect April vendor invoicing processed after the date of this report.

Note 4 - In preparation for the installation of new accounting software and pooled bank reconciliation ability, all accounts other than the current checking account were closed to the general fund via a reallocation of checking accounts funds. The net impact on all funds was zero and interest will still be allocated to all funds with cash balances.



City of Laguna Woods
City Treasurer's Report
For the Two Month Period of February and March 2017

ITEM 6.2

INVESTMENT PORTFOLIO DETAIL

CUSIP	Investment #	Issuer	Term	Purchase Date	Settlement Date	Par Value	Market Value	Book Value	Stated Rate (Note 1)	Coupon Type	1st Coupon Date	Rating or Rank (Note 2)	Yield to Maturity 365 Days	Maturity Date
Certificate of Deposits (CDs, Federal Deposit Insurance Corporation [FDIC] Insured)														
02006LM59	2016-1	ALLY BK MIDVALE UTAH	24 months	09/12/16	09/15/16	245,000	243,795	245,000	1.150	Semi-Annual	03/15/17	300	1.150	09/17/18
2366+LAM8	2016-2	CITY BANK	12 months	09/12/16	09/20/16	245,000	244,907	245,000	0.800	Annual	09/20/17	247	0.800	09/20/17
949763BJ4	2016-3	WELLS FARGO BANK	18 months	09/13/16	09/28/16	245,000	244,427	245,000	1.000	Monthly	10/28/16	295	1.000	03/28/18
140420F47	2016-4	CAPITAL ONE BANK USA	18 months	09/13/16	09/21/16	245,000	244,459	245,000	1.000	Semi-Annual	03/21/17	300	1.000	03/21/18
57116ANC8	2017-1	MARLIN BUSINESS BK SALT LAKE	18 months	01/13/17	01/13/17	245,000	245,088	245,000	1.250	Monthly	02/13/17	300	1.250	07/13/18
508176CH5	2017-2	LAKE CITY BANK	24 months	03/08/17	03/22/17	245,000	245,524	245,000	1.600	Monthly	04/22/17	300	1.600	03/22/19
Accrued Interest - Month End						2,058	2,058	2,058						
Total CDs						1,472,058	1,470,257	1,472,058						
Pooled Money Investment Accounts (PIMA)														
N/A	N/A	Local Agency Investment Fund (LAIF)	N/A	Various	Various	8,600,898	8,600,898	8,600,898	0.821	N/A	N/A	N/A	N/A	N/A
Total PIMA						8,600,898	8,600,898	8,600,898						

Notes:

Note 1 - The stated earnings rate for CDs is a fixed rate for the full term.

The stated earnings rate for LAIF balances is an average monthly yield applied to the City's weighted average balance within the total pool. Earnings are paid the month after the end of each quarter.

LAIF average monthly investment yield rates over the last six months were:

2016: Oct. 0.654%, Nov. 0.678%, and Dec. 0.719% / **2017:** Jan. 0.751%, Feb. 0.777%, Mar. 0.821 (April not yet reported)

Note 2 - CDs rank is an IDC Financial Publishing, Inc. compiled ranking, and includes a one-number summary rank of quality comprised of 35 key financial ratios. Ranks range from 1 (the lowest) to 300 (the highest) and fall into one of the following six groups:

Rank	Group
200-300	Superior
165-199	Excellent
125-164	Average
75-124	Below Average
2-74	Lowest Ratios
1	Highest Probability of Failure

Note 3 - Interest received on certificates of deposits for the month of April was \$801.11.



City of Laguna Woods
City Treasurer's Report
 For the Month Ended April 30, 2017

ITEM 6.2

OTHER FUNDS - HELD IN TRUST

	Beginning Balances As of 3/31/17	Contributions / (Withdrawals)	Administrative Fees & Investment Expense	Unrealized Gain / (Loss)	Ending Balances As of 4/30/17
Other Post-Employment Benefits (OPEB) Trust					
CalPERS California Employers' Retiree Benefit Trust (CERBT) (CERBT holds all assets and administers the OPEB Trust)	\$ 66,203	\$ -	\$ (5)	\$ 685	\$ 66,883
Total Other Funds - Held in Trust	<u>\$ 66,203</u>	<u>\$ -</u>	<u>\$ (5)</u>	<u>\$ 685</u>	<u>\$ 66,883</u>

City Treasurer's Certification

I, Margaret A. Cady, City Treasurer, do hereby certify:

- That all investment actions executed since the last report have been made in full compliance with the City's Investment of Financial Assets Policy; and
- That the City is able to meet all cash flow needs which might reasonably be anticipated for the next 12 months.

Margaret A Cady
 Margaret A. Cady, City Treasurer

5/8/17
 Dated

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6.3 WARRANT REGISTER

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CITY OF LAGUNA WOODS
WARRANT REGISTER
5/17/2017

ITEM 6.3

Check	Check	Vendor Name	Description	Amount
Automatic Bank Debits				
Debit	4/5/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 3/31/2017	\$31,355.02
Debit	4/5/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 3/31/2017	2,444.49
Debit	4/14/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 3/31/2017	158.58
Debit	4/19/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 4/14/2017	34,612.20
Debit	4/19/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 4/14/2017	2,444.49
Debit	4/28/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 4/14/2017	183.58
Debit	5/3/2017	ADP PAYROLL SERVICES	Payroll / Pay Period Ended 4/28/2017	31,861.11
Debit	5/8/2017	CALPERS - RETIREMENT	Retirement Contributions / Pay Period Ended 4/28/2017	2,444.49
Debit	5/12/2017	ADP PAYROLL SERVICES	Payroll Processing Fees / Pay Period Ended 4/28/2017	173.86
Debit	4/30/2017	US BANK	Bank Analysis Service Charge - March 2017	84.39
Debit	5/1/2017	CALPERS - HEALTH	Employee Benefit Program / May 2017	4,244.52
Debit	4/19/2017	COUNTY OF ORANGE	Law Enforcement Services / April 2017	223,770.35
Debit	5/8/2017	COUNTY OF ORANGE	Law Enforcement Services / May 2017	223,770.35
Warrants:				
1092	04/05/2017	ALLIED MECHANICAL AIR SYS, INC.	City Hall Maintenance Services	352.00
1093	04/05/2017	COASTAL CURRENT ELECTRIC	Cancelled Permit Refund	488.00
1094	04/05/2017	CYNTHIA CONNERS	Auto Allowance / April 2017	300.00
1095	04/05/2017	COX COMMUNICATIONS	Encroachment Permit Deposits Balance Refund	1,030.63
1096	04/05/2017	DELTA DENTAL OF CALIFORNIA	Reissued Payment - Employee Benefits Program / March 2017	430.06
1097	04/05/2017	HACK, BERT	Auto Allowance / April 2017	300.00
1098	04/05/2017	PETER HARAMIS	Taxi Voucher Refund	170.00
1099	04/05/2017	ROBERT NOEL HATCH	Auto Allowance / April 2017	300.00
1100	04/05/2017	SHARI HORNE	Auto Allowance / April 2017	300.00
1101	04/05/2017	KONICA MINOLTA BUSINESS	Copier Services / 1st Quarter 2017	267.39
1102	04/05/2017	MANAGED HEALTH NETWORK	Employee Benefits Program / April 2017	16.72
1103	04/05/2017	PAR ELECTRICAL CONTRACTORS,	Encroachment Permit Deposit Balance Refund	1,572.74
1104	04/05/2017	PRACTICAL DATA SOLUTIONS	IT Services / November - March 2017	7,103.54
1105	04/05/2017	RED HAWK FIRE & SECURITY, LLC	City Hall Fire Monitoring Installation / March 2017	299.00
1106	04/05/2017	SOUTHERN CALIFORNIA EDISON	City Hall / March 2017	1,177.76
1107	04/05/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controller / March 2017	24.73
1108	04/05/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controller / March 2017	25.18
1109	04/05/2017	SOUTHERN CALIFORNIA EDISON	Ridge Route Dog Park / March 2017	25.06
1110	04/05/2017	VECTUS	City Hall Internet Service / April 2017	399.00
1111	04/05/2017	WEST COAST ARBORISTS, INC	Emergency Tree Pruning	660.00
1112	04/12/2017	360 BUSINESS CONSULTING	Website Hosting / March 2017	200.00
1113	04/12/2017	AT&T	Telephone / 458-3487 / March 2017	37.41
1114	04/12/2017	AT&T	Telephone / 452-0600 / March 2017	1,035.41
1115	04/12/2017	AT&T	Telephone / 639-0500 / March 2017	205.17
1116	04/12/2017	AT&T	Telephone / 770-9359 / March 2017	20.20
1117	04/12/2017	IRWIN B BORNSTEIN, CPA	Financial Consulting Services / January & March 2017	135.00

**CITY OF LAGUNA WOODS
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Check	Check	Vendor Name	Description	Amount
1118	04/12/2017	CALIFORNIA BLDG STANDARDS COMM	Building Permit Fee Assessment / January - March 2017	171.59
1119	04/12/2017	CLEARSOURCE FINANCIAL	Building and Planning Services Fee Study	150.00
1119	04/12/2017	CLEARSOURCE FINANCIAL	Encroachment Permit Fee Study	150.00
1120	04/12/2017	COPYFORCE	Printing Services	70.04
1121	04/12/2017	COUNTY OF ORANGE	Automated Fingerprint ID System / April 2017	455.67
1122	04/12/2017	COUNTY OF ORANGE	Verification of Nomination Signatures / 2016 Election	142.80
1123	04/12/2017	DEPARTMENT OF CONSERVATION	Strong Motion Instrumentation & Seismic Hazard Mapping Fee / January - March 2017	557.15
1124	04/12/2017	KONICA MINOLTA	Copier Lease / April 2017	482.72
1125	04/12/2017	KONICA MINOLTA BUSINESS	Copier Services / 1st Quarter 2017	1,391.40
1126	04/12/2017	NIEVES LANDSCAPE, INC.	City Hall Landscape Maintenance / April 2017	406.25
1126	04/12/2017	NIEVES LANDSCAPE, INC.	Right of Way Landscape Maintenance / April 2017	11,800.00
1127	04/12/2017	PEAK LIGHTING & ELECTRIC, INC	Residential Street Light Maintenance / March 2017	682.89
1128	04/12/2017	PV MAINTENANCE INC	Street, City Hall & Park Maintenance Services / March 2017	7,580.74
1129	04/12/2017	RED HAWK FIRE & SECURITY, LLC	Annual Fire Sprinkler Inspection	325.00
1130	04/12/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controller / March 2017	24.04
1131	04/12/2017	SOUTHERN CALIFORNIA EDISON	Residential Streetlights / March 2017	1,671.35
1132	04/12/2017	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / March 2017	911.93
1133	04/12/2017	STAPLES	Office & Janitorial Supplies	300.40
1134	04/12/2017	THE GAS COMPANY	City Hall Utilities / March 2017	45.23
1135	04/12/2017	TYLER TECHNOLOGIES, INC.	Financial Software Maintenance and Support / April 2017 - March 2018	11,852.00
1135	04/12/2017	TYLER TECHNOLOGIES, INC.	Financial Software License and Conversion Fees	4,699.05
1136	04/12/2017	WM CURBSIDE, LLC	HHW, Medicine and Sharps Collection Program / March 2017	3,692.50
119079	04/12/2017	TRANSFER BETWEEN ACCOUNTS	TRANSFER BETWEEN ACCOUNTS	0.00
1137	04/19/2017	ALDI, INC.	Conditional Use Permit Deposit Balance Refund	637.23
1138	04/19/2017	ANDERSONPENNA PARTNERS, INC.	Code Enforcement Services / March 2017	1,740.00
1139	04/19/2017	AT&T	White Pages / April 2017	4.48
1140	04/19/2017	BALLIET, MICHAEL	Waste Management Consulting Services / February - March 2017	3,518.75
1141	04/19/2017	BUSINESS PLANS, INCORPORATED	125 Cafeteria Plan Administration / April 2017	100.00
1142	04/19/2017	CAA	Water Quality Consulting Services / March 2017	5,115.00
1143	04/19/2017	CALIFORNIA YELLOW CAB	Taxi Voucher Services / March 2017	11,526.00
1144	04/19/2017	CITY OF LAGUNA BEACH	Animal Control & Shelter Services / April 2017	8,043.00
1145	04/19/2017	CIVIL SOURCE	Building Inspection and Counter Services / February 2017	32,937.50
1146	04/19/2017	COPYFORCE	Printing Services	48.49
1147	04/19/2017	COUNTY OF ORANGE	Communication Charges 800 MHz Flat Rate / January - March 2017	360.00
1148	04/19/2017	CSG CONSULTANTS, INC.	Plan Check Services / March 2017	765.00
1149	04/19/2017	EL TORO WATER DISTRICT	Landscape Irrigation / March 2017	1,927.19
1150	04/19/2017	KONE, INC.	City Hall Elevator Maintenance / April 2017	246.98
1151	04/19/2017	LAGUNA WOODS ARCHERY CLUB	Conditional Use Permit Deposit Balance Refund	2,135.05
1152	04/19/2017	LILLEY PLANNING GROUP	Building Official Services / March 2017	2,769.00
1153	04/19/2017	MICHAEL BAKER INTERNATIONAL	General Plan Comprehensive Update Project / March 2017	16,412.50
1154	04/19/2017	MUNICIPAL CODE CORP	Codification of City Ordinances	500.00
1155	04/19/2017	ORANGE COUNTY REGISTER-NOTICES	Public Notices / February 2017	1,137.00
1156	04/19/2017	PRACTICAL DATA SOLUTIONS	Printing Equipment	4,639.62

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Check	Check	Vendor Name	Description	Amount
1157	04/19/2017	SOUTHERN CALIFORNIA EDISON	Traffic Signal Control / March 2017	240.50
119080	04/24/2017	TRANSFER BETWEEN ACCOUNTS	TRANSFER BETWEEN ACCOUNTS	0.00
1158	04/28/2017	DESIREE B SMITH	Final Payroll	1,630.75
1159	04/26/2017	AT&T	Telephone / 581-3974 / April 2017	114.24
1160	04/26/2017	AT&T	Telephone / 583-1105 / March 2017	19.66
1161	04/26/2017	COPYFORCE	Printing Services	232.74
1162	04/26/2017	ICMA RETIREMENT CORPORATION	Quarterly Plan Fee / April - June 2017	125.00
1163	04/26/2017	MANAGED HEALTH NETWORK	Employee Benefits Program / May 2017	14.63
1164	04/26/2017	MICHAEL BAKER INTERNATIONAL	Planning Services / March 2017	9,387.50
1165	04/26/2017	ROBIN MUNSEY	Waste Diversion Deposit Refund	250.00
1166	04/26/2017	NIEVES LANDSCAPE, INC.	Landscape Maintenance Services	486.52
1167	04/26/2017	NUVIS	Landscape Architecture Services / March 2017	877.50
1168	04/26/2017	ORANGE COUNTY REGISTER-NOTICES	Public Notices / March 2017	1,833.00
1169	04/26/2017	PRINCIPAL FINANCIAL GROUP	Long-Term Disability Insurance / May 2017	419.42
1170	04/26/2017	RUTAN & TUCKER, LLP	Legal Services / March 2017	2,377.50
1171	04/26/2017	SADDLEBACK WINDOWS AND DOORS	CDBG Energy Efficiency Improvement Program / FY 2016-17	16,750.00
1172	04/26/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / April 2017	102.45
1173	04/26/2017	THE CODE GROUP, INC.	Building Official Services / February - March 2017	1,250.00
1174	04/26/2017	ANN-CHRISTINE TROLLEGARD	Waste Diversion Deposit Refund	250.00
1175	04/26/2017	VISION SERVICE PLAN OF AMERICA	Employee Benefits Program / May 2017	120.18
1176	05/01/2017	US POSTMASTER	Conditional Use Permit / Public Notice Mailing	3,384.62
1177	05/03/2017	360 BUSINESS CONSULTING	Website Hosting Services / May 2017	375.00
1178	05/03/2017	BALLIET, MICHAEL	Waste & Recycling Consulting Services / April 2017	2,687.50
1179	05/03/2017	ROBERT M BARRY	Financial Consulting Services / April 2017	1,137.50
1180	05/03/2017	CALIFORNIA YELLOW CAB	NEMT Taxi Voucher Services / March 2017	15,219.00
1181	05/03/2017	CAPTIONING UNLIMITED	Closed Captioning / City Council Meetings	800.00
1182	05/03/2017	DELTA DENTAL OF CALIFORNIA	Employee Benefits Program / May 2017	340.61
1183	05/03/2017	EL TORO WATER DISTRICT	Landscape Irrigation / April 2017	2,991.87
1184	05/03/2017	KONICA MINOLTA	Copier Lease / May 2017	482.72
1185	05/03/2017	LETNER ROOFING	Cancelled Permit Refund	301.04
1186	05/03/2017	LILLEY PLANNING GROUP	Building Official Services / April 2017	1,989.00
1187	05/03/2017	LOGAN MARTINEZ	Cancelled Permit Refund	162.00
1188	05/03/2017	TRANSFER BETWEEN ACCOUNTS	TRANSFER BETWEEN ACCOUNTS	0.00
1189	05/03/2017	PASCO DOORS	Door Maintenance	281.25
1190	05/03/2017	PEAK LIGHTING & ELECTRIC, INC	Residential Street Light Maintenance / April 2017	682.89
1191	05/03/2017	PETTY CASH	Replenish Petty Cash / April 2017	468.41
1192	05/03/2017	RICHARD H RUHL, TRUSTEE	Waste Diversion Deposit Refund	250.00
1193	05/03/2017	SIEMENS INDUSTRY, INC.	Traffic Signal Maintenance / March 2017	2,830.00
1194	05/03/2017	SOUTHERN CALIFORNIA EDISON	City Hall / April 2017	1,330.71
1195	05/03/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / April 2017	27.46
1196	05/03/2017	SOUTHERN CALIFORNIA EDISON	Irrigation Controllers / April 2017	24.40
1197	05/03/2017	STAPLES	Office Supplies	150.12

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Check	Check	Vendor Name	Description	Amount
1198	05/03/2017	TYLER TECHNOLOGIES, INC.	Financial Software License and Conversion Fees	781.25
1199	05/03/2017	VECTUS	City Hall Internet Service / May 2017	399.00
Total Bank Debits and Warrants:				<u>790,125.91</u>
Credit Card Statement Detail-US Bank				
		GovernmentJobs	Accounting Clerk Recruitment Posting	<u>175.00</u>
Credit Card Statement Detail-Bank of America / March 6 - May 5, 2017				
		FedEx Office	Courier Services	22.55
		Jersey Mike's Sub	Volunteer Luncheon	264.50
Total Credit Cards:				<u>287.05</u>
Petty Cash Expenditure Detail				
		Orange County Clerk-Recorder	Sign Program / Notice of Exemption Filing	50.00
		FedEx Office	Bid Document Binding Service	48.40
		Stater Bros	Volunteer Luncheon & Goods Exchange	47.58
		Kustom Locksmith Service	Water Meter Keys	23.71
Total Petty Cash:				<u>169.69</u>
TOTAL				<u>790,757.65</u>

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FISCAL YEAR 2016-17 BUDGET ADJUSTMENTS

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RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, ADOPTING A FISCAL YEAR 2016-17 BUDGET FOR THE MEASURE M1 FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS FOR THE BEVERAGE CONTAINER RECYCLING FUND AND SENIOR MOBILITY FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGET AND AUTHORIZING TRANSFERS FROM THE GENERAL FUND TO THE FUEL TAX FUND, MEASURE M2 FUND, SENIOR MOBILITY FUND, MEASURE M1 FUND, AND PROPOSITION 84 GRANT FUND; INCREASING THE ADOPTED FISCAL YEAR 2016-17 BUDGETS AND AUTHORIZING TRANSFERS FROM THE TRAFFIC MITIGATION FEES FUND AND CALRECYCLE GRANT FUND TO THE GENERAL FUND; AND, AUTHORIZING THE CLOSURE OF THE CALRECYCLE GRANT FUND, MEASURE M1 FUND, PROPOSITION 84 GRANT FUND, AND TRAFFIC MITIGATION FEES FUND

WHEREAS, the Fiscal Year 2016-17 Budget was adopted by the City Council on June 29, 2016; and

WHEREAS, City Council action is required to increase fund-level budget appropriations adopted as a part of the Fiscal Year 2016-17 Budget; and

WHEREAS, the City Council also approves department-level budget appropriations within the General Fund; and

WHEREAS, an increase in appropriations in the Measure M1 Fund is necessary in order to establish appropriations to expend final funds received in the current fiscal year after the budget was adopted; and

WHEREAS, an increase in appropriations in the Beverage Container Recycling Fund is necessary in order to establish appropriations to offset eligible expenditures of prior grant funding identified after the budget was adopted; and

WHEREAS, increases in appropriations in the General Fund and Senior Mobility Program Fund are necessary in order to establish appropriations to offset an increase in program activity occurring in the current fiscal year after the budget was adopted; and

WHEREAS, the City completed a multi-year reconciliation of the Fuel Tax, Measure M2, and Senior Mobility Funds and identified the need for transfers from the General Fund to resolve past issues related to fund balance and expenditures; and

WHEREAS, the City has identified two special revenue funds (Measure M1 and Proposition 84 Grant) for closure that are no longer in use, including a requirement to establish transfers in from the General Fund to resolve past issues related to fund balance and expenditures; and

WHEREAS, the City has identified two special revenue funds (CalRecycle Grant Funds and Traffic Mitigation Fees) for closure that are no longer in use, including a requirement to establish transfers out to the General Fund to resolve past issues related to fund balance and expenditures.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The Fiscal Year 2016-17 budget appropriation authorized, on a fund level, for the General Fund is hereby increased by \$300,121 from \$5,915,795 to \$6,215,916.

SECTION 2. The Fiscal Year 2016-17 revenue budget authorized, on a fund level, for the General Fund is hereby increased by \$467,451 from \$5,561,000 to \$5,728,451.

SECTION 3. The Fiscal Year 2016-17 budget appropriation authorized, on a department level, within the General Fund's General Government Department is hereby increased by \$300,121 from \$911,673 to \$1,211,794. The amount of the increase shall be considered non-operating and used to make transfers from the General Fund to other funds related to reconciliation of the Fuel Tax, Measure M2, and Senior Mobility Funds, and the closure of the Measure M1, Proposition 84 Grant, CalRecycle Grant Funds, and Traffic Mitigation Fees.

SECTION 4. The Fiscal Year 2016-17 budget appropriation authorized, on a fund level, for the Measure M1 Fund is hereby increased by \$4,200 from \$0 to \$4,200.

SECTION 5. The Fiscal Year 2016-17 budget appropriation authorized, on a fund level, for the Senior Mobility Program Fund is hereby increased by \$90,000 from \$240,088 to \$330,088.

SECTION 6. The Fiscal Year 2016-17 budget appropriation authorized, on a fund level, for the Beverage Container Recycling Fund is hereby increased by \$1,500 from \$5,000 to \$6,500.

SECTION 7. The Fiscal Year 2016-17 revenue budget authorized, on a fund level, for the following funds is hereby increased as follows:

Fund	Amount of Increase	Current Revenue Budget	Amended Revenue Budget
Fuel Tax	\$ 99,360	\$ 350,000	\$ 449,360
Measure M2	\$ 454	\$ 1,311,700	\$ 1,312,154
Senior Mobility Program	\$ 573	\$ 225,000	\$ 225,573

SECTION 8. The Fiscal Year 2016-17 revenue budgets authorized, on a fund level, for the following funds are hereby increased, as follows, and closure of the following funds is hereby authorized:

Fund	Amount of Increase	Current Revenue Budget	Amended Revenue Budget
Measure M1	\$ 184,001	\$ 0	\$ 184,001
Proposition 84 Grant	\$ 15,733	\$ 0	\$ 15,733

SECTION 9. The Fiscal Year 2016-17 budget appropriations authorized, on a fund level, for the following funds are hereby increased, as follows, and closure of the following funds is hereby authorized:

Fund	Amount of Increase	Current Appropriations Budget	Amended Appropriations Budget
CalRecycle Grant	\$ 30,895	\$ 0	\$ 30,895
Traffic Mitigation Fees	\$ 436,556	\$ 0	\$ 436,556

SECTION 10. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 17-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2017, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

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**AGREEMENT FOR CONSULTANT SERVICES
BETWEEN THE
CITY OF LAGUNA WOODS
AND
WILLDAN ENGINEERING
FOR CODE ENFORCEMENT SERVICES**

This AGREEMENT FOR CONSULTANT SERVICES ("AGREEMENT"), is made and entered into this 2nd day of June 2017 ("EFFECTIVE DATE"), by and among the City of Laguna Woods, a California municipal corporation ("CITY"), and Willdan Engineering ("CONSULTANT").

In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

SECTION 1. TERM OF AGREEMENT.

Subject to the provisions of SECTION 19 "TERMINATION OF AGREEMENT" of this AGREEMENT, the term of this AGREEMENT shall be for a period beginning on June 2, 2017 and ending at 11:59 p.m. on June 30, 2019. Such term may be extended upon written agreement of both parties to this AGREEMENT through a maximum of 11:59 p.m. on June 30, 2021.

SECTION 2. SCOPE OF SERVICES.

CONSULTANT shall perform the services set forth in EXHIBIT "A" "SCOPE OF SERVICES" and made a part of this AGREEMENT. All work to be performed by CONSULTANT shall be coordinated with, and approved by City Manager of CITY or his or her designee. CONSULTANT shall not begin work on any individual task or assignment until authorized by the City Manager of CITY or his or her designee to proceed.

SECTION 3. ADDITIONAL SERVICES.

CONSULTANT shall not be compensated for any services rendered in connection with its performance of this AGREEMENT which are in addition to or outside of those set forth in this AGREEMENT or listed in EXHIBIT "A" "SCOPE OF SERVICES", unless such additional services are authorized in advance and in writing by the City Council or the City Manager of CITY or his or her designee. CONSULTANT shall be compensated for any such additional services only in the amounts and in the manner agreed to by the City Council or City Manager of CITY or his or her designee.

SECTION 4. COMPENSATION AND METHOD OF PAYMENT.

(a) Subject to any limitations set forth in this AGREEMENT, CITY agrees to pay CONSULTANT the amounts specified in EXHIBIT "B" "COMPENSATION" and made a part of this AGREEMENT. CONSULTANT shall perform work only as requested by CITY. This AGREEMENT does not state, convey, imply or infer a specific, minimum or expected

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amount of work or compensation for as needed services or reimbursables. Compensation for services shall not exceed the amounts specified in EXHIBIT "B" "COMPENSATION".

(b) No later than the 15th of each month CONSULTANT shall furnish to CITY an **original** invoice for all work performed and expenses incurred during the preceding month. The invoice shall detail charges by the categories required by CITY, which are subject to change at the discretion of CITY. CITY shall independently review each invoice submitted by the CONSULTANT to determine whether the work performed and expenses incurred are in compliance with the provisions of this AGREEMENT. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection (c). In the event that any charges or expenses are disputed by CITY, the original invoice shall be returned by CITY to CONSULTANT for correction and resubmission.

(c) Except as to any charges for work performed or expenses incurred by CONSULTANT which are disputed by CITY, CITY will use its best efforts to cause CONSULTANT to be paid within thirty (30) days of receipt of CONSULTANT's invoice.

(d) Payment to CONSULTANT for work performed pursuant to this AGREEMENT shall not be deemed to waive any defects in work performed by CONSULTANT, nor to constitute any waiver of any type of relief or remedy, legal or equitable, arising out of any breach or nonperformance of any aspect of the AGREEMENT by CONSULTANT.

SECTION 5. INSPECTION AND FINAL ACCEPTANCE.

CITY may inspect and accept or reject any of CONSULTANT's work under this AGREEMENT, either during performance or when completed. CITY shall reject or finally accept CONSULTANT's work in its discretion within sixty (60) days after submitted to CITY. Any rejection of work by CITY shall be by written explanation. Acceptance of any of CONSULTANT's work by CITY shall not constitute a waiver of any of the provisions of this AGREEMENT including, but not limited to, sections 15 and 16, pertaining to indemnification and insurance, respectively.

SECTION 6. OWNERSHIP OF DOCUMENTS.

All original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by CONSULTANT in the course of providing any services pursuant to this AGREEMENT shall become the sole property of CITY and may be used, reused or otherwise disposed of by CITY without the permission of the CONSULTANT. Upon completion, expiration or termination of this AGREEMENT, CONSULTANT shall turn over to CITY all such original maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents, notwithstanding any billing or compensation disputes that may then exist between CITY and CONSULTANT. CITY's reuse of such materials on a project other than the project for which they were originally intended shall be at CITY's sole risk.

SECTION 7. CONSULTANT'S BOOKS AND RECORDS.

(a) CONSULTANT shall maintain any and all documents and records demonstrating or relating to CONSULTANT's and any of CONSULTANT's subcontractors' performance of services pursuant to this AGREEMENT. CONSULTANT shall maintain any and all drafts of studies or planning documents, correspondence, notices, ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to CITY pursuant to this AGREEMENT. Any and all such documents or records shall be maintained in accordance with generally accepted accounting principles and shall be sufficiently complete and detailed so as to permit an accurate evaluation of the services provided by CONSULTANT pursuant to this AGREEMENT. Any and all such documents or records shall be maintained for five (5) years from the end of the term of this AGREEMENT and to the extent required by laws relating to audits of public agencies and their expenditures.

(b) Any and all records or documents required to be maintained pursuant to this section shall be made available for inspection, audit and copying, at any time during regular business hours, upon written request by CITY, Federal government, State of California, or their designated representatives. Copies of such documents or records shall be provided directly to the requesting party for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at CONSULTANT's address indicated for receipt of notices in this AGREEMENT.

(c) Where CITY has reason to believe that any of the documents or records required to be maintained pursuant to this section may be lost or discarded due to dissolution or termination of CONSULTANT's business, CITY may, by written request, require that custody of such documents or records be given to the requesting party and that such documents and records be maintained by the requesting party. Access to such documents and records shall be granted to CITY, as well as to its successors-in-interest and authorized representatives.

(d) CONSULTANT shall prepare and submit to CITY reports concerning the performance of the work in this AGREEMENT as CITY shall require.

SECTION 8. STATUS OF CONSULTANT.

(a) CONSULTANT is and shall at all times remain a wholly independent contractor and not an officer, official, employee or agent of CITY. CONSULTANT shall have no authority to bind CITY in any manner, nor to incur any obligation, debt or liability of any kind on behalf of or against CITY, whether by contract or otherwise, unless such authority is expressly conferred under this AGREEMENT or is otherwise expressly conferred in writing by CITY.

(b) The personnel performing the services under this AGREEMENT on behalf of CONSULTANT shall at all times be under CONSULTANT's exclusive direction and control. Neither CITY, nor any elected or appointed boards, officers, officials, employees or agents of

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CITY, shall have control over the conduct of CONSULTANT or any of CONSULTANT's officers, officials, employees or agents, except as set forth in this AGREEMENT. CONSULTANT shall not at any time or in any manner represent that CONSULTANT or any of CONSULTANT's officers, officials, employees or agents is in any manner officials, officers, employees or agents of CITY.

(c) Neither CONSULTANT, nor any of CONSULTANT's officers, officials, employees or agents, shall obtain any rights to retirement, health care or any other benefits which may otherwise accrue to CITY'S employees. CONSULTANT expressly waives any claim CONSULTANT may have to any such rights.

(d) This AGREEMENT shall in no way prohibit the CITY from entering into other agreements or contracts, hiring staff or making other such arrangements with other persons and/or entities relative to the services set forth in EXHIBIT "A" "SCOPE OF SERVICES".

SECTION 9. STANDARD OF PERFORMANCE.

CONSULTANT represents and warrants that it has the qualifications, experience, personnel, and facilities necessary to properly perform the services required under this AGREEMENT in a thorough, competent and professional manner. CONSULTANT shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all services described herein. In meeting its obligations under this AGREEMENT, CONSULTANT shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of CONSULTANT under this AGREEMENT.

SECTION 10. COMPLIANCE WITH APPLICABLE LAWS; PERMITS AND LICENSES.

(a) CONSULTANT shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the term of this AGREEMENT, including but not limited to regulations and rules pertaining to any grant awards or third-party funding with which this AGREEMENT is funded in whole or in part. CONSULTANT shall obtain any and all licenses, permits and authorizations necessary to perform the services set forth in this AGREEMENT. CITY shall not be responsible for monitoring CONSULTANT's compliance with federal, state, and local laws, statutes, codes, ordinances, or regulations. Neither CITY, nor any elected or appointed boards, officers, officials, employees or agents of CITY, shall be liable, at law or in equity, as a result of any failure of CONSULTANT to comply with this section.

(b) CONSULTANT shall not be debarred, suspended, or otherwise excluded from or ineligible for participation in federal assistance programs, or from receiving Federal contracts, subcontracts, or financial or nonfinancial assistance or benefits, under Executive Order 12549, "Debarment and Suspension" (24 CFR 85.35) or other Federal laws, statutes, codes, ordinances, regulations or rules, at any time during the term of this AGREEMENT.

SECTION 11. NONDISCRIMINATION.

CONSULTANT shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition, sexual orientation or marital status in connection with or related to the performance of this AGREEMENT.

SECTION 12. UNAUTHORIZED ALIENS.

CONSULTANT shall comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended from time to time or replaced by a successor statute, and in connection therewith, shall not employ unauthorized aliens as defined therein. The term "unauthorized aliens" means and includes "undocumented foreign nationals" as defined in the proposed Federal Correcting Hurtful and Alienating Names in Government Expression (CHANGE) Act (H.R. 3785, introduced October 21, 2015). Should CONSULTANT so employ such unauthorized aliens for the performance of work and/or services covered by this AGREEMENT, and should the any liability or sanctions be imposed against CITY for such use of unauthorized aliens, CONSULTANT shall reimburse CITY for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by CITY.

SECTION 13. CONFLICTS OF INTEREST.

(a) CONSULTANT covenants that neither it, nor any officer or principal of its firm, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of CITY or which would in any way hinder CONSULTANT's performance of services under this AGREEMENT. CONSULTANT further covenants that in the performance of this AGREEMENT, no person having any such interest shall be employed by it as an officer, official, employee, agent or subcontractor without the express written consent of the City Manager of CITY or his or her designee. CONSULTANT agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of CITY in the performance of this AGREEMENT.

(b) CITY understands and acknowledges that CONSULTANT is, as of the date of execution of this AGREEMENT, independently involved in the performance of non-related services for other governmental agencies and private parties. CONSULTANT is unaware of any stated position of CITY relative to such projects. Any future position of CITY on such projects shall not be considered a conflict of interest for purposes of this section.

SECTION 14. CONFIDENTIAL INFORMATION; RELEASE OF INFORMATION.

(a) All information gained or work product produced by CONSULTANT in performance of this AGREEMENT shall be considered confidential, unless such information is in the public domain or already known to CONSULTANT. CONSULTANT shall not release or disclose any such information or work product to persons or entities other than CITY without

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prior written authorization from the City Manager of CITY or his or her designee, except as may be required by law.

(b) CONSULTANT, its officers, employees, agents or subcontractors, shall not, without prior written authorization from the City Manager of CITY or his or her designee or unless requested by the City Attorney of CITY, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories or other information concerning the work performed under this AGREEMENT. Response to a subpoena or court order shall not be considered "voluntary" provided CONSULTANT gives CITY notice of such court order or subpoena.

(c) If CONSULTANT, or any officer, employee, agent or subcontractor of CONSULTANT, provides any information or work product in violation of this AGREEMENT, then CITY shall have the right to reimbursement and indemnity from CONSULTANT for any damages, costs and fees, including attorneys fees, caused by or incurred as a result of CONSULTANT's conduct.

(d) CONSULTANT shall promptly notify CITY should CONSULTANT, its officers, officials, employees, agents or subcontractors be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions or other discovery request, court order or subpoena from any party regarding this AGREEMENT or the work performed thereunder. CITY retains the right, but has no obligation, to represent CONSULTANT or be present at any deposition, hearing or similar proceeding. CONSULTANT agrees to cooperate fully with CITY and to provide CITY with the opportunity to review any response to discovery requests provided by CONSULTANT. However, this right to review any such response does not imply or mean the right by CITY to control, direct, or rewrite said response.

SECTION 15. INDEMNIFICATION.

(a) CITY and its respective elected and appointed boards, officials, officers, agents, employees and volunteers (individually and collectively, "INDEMNITEES") shall have no liability to CONSULTANT or any other person for, and CONSULTANT shall indemnify, defend and hold harmless INDEMNITEES from and against, any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorneys' fees and disbursements (collectively "CLAIMS"), which INDEMNITEES may suffer or incur or to which INDEMNITEES may become subject by reason of or arising out of any injury to or death of any person(s), damage to property, loss of use of property, economic loss or otherwise occurring as a result of the CONSULTANT's performance of or failure to perform any services under this AGREEMENT to the extent resulting from the negligent or willful, wrongful acts or omissions of CONSULTANT, its agents, officers, directors, subcontractors or employees, committed in performing any of the services under this AGREEMENT, including without limitation the violation of any federal, state, and local law, statute, code, ordinance, regulation, or rule.

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(b) If any action or proceeding is brought against INDEMNITEES by reason of any of the matters against which CONSULTANT has agreed to indemnify INDEMNITEES as provided above, CONSULTANT, upon notice from CITY, shall defend INDEMNITEES at CONSULTANT's expense by counsel acceptable to CITY, such acceptance not to be unreasonably withheld. INDEMNITEES need not have first paid for any of the matters to which INDEMNITEES are entitled to indemnification in order to be so indemnified. The insurance required to be maintained by CONSULTANT under Section 16 shall insure CONSULTANT's obligations under this section, but the limits of such insurance shall not limit the liability of CONSULTANT hereunder. The provisions of this section shall survive the expiration or earlier termination of this AGREEMENT.

(c) The provisions of this section do not apply to CLAIMS occurring as a result of the CITY's sole negligence or willful acts or omissions.

SECTION 16. INSURANCE.

CONSULTANT agrees to obtain and maintain in full force and effect during the term of this AGREEMENT the insurance policies set forth in EXHIBIT "C" "INSURANCE" and made a part of this AGREEMENT. All insurance policies shall be subject to approval by CITY as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager of CITY or his or her designee. CONSULTANT agrees to provide CITY with copies of required policies upon request.

SECTION 17. ASSIGNMENT.

The expertise and experience of CONSULTANT are material considerations for this AGREEMENT. CITY has an interest in the qualifications of and capability of the persons and entities who will fulfill the duties and obligations imposed upon CONSULTANT under this AGREEMENT. In recognition of that interest, CONSULTANT shall not assign or transfer this Agreement or any portion of this AGREEMENT or the performance of any of CONSULTANT's duties or obligations under this AGREEMENT without the prior written consent of the City Council. Any attempted assignment shall be ineffective, null and void, and shall constitute a material breach of this AGREEMENT entitling CITY to any and all remedies at law or in equity, including summary termination of this AGREEMENT. CITY acknowledges, however, that CONSULTANT, in the performance of its duties pursuant to this AGREEMENT, may utilize subcontractors. CONSULTANT shall be solely liable and responsible for the actions, conduct, and performance of subcontractors, including but not limited to ensuring their compliance with Section 10 of this AGREEMENT (Compliance with Applicable Laws; Permits and Licenses).

SECTION 18. CONTINUITY OF PERSONNEL.

CONSULTANT shall make every reasonable effort to maintain the stability and continuity of CONSULTANT's staff assigned to perform the services required under this AGREEMENT. CONSULTANT shall obtain approval, in writing, from CITY of any changes in CONSULTANT's staff assigned to perform the services required under this AGREEMENT,

prior to any such performance.

SECTION 19. TERMINATION OF AGREEMENT.

(a) CITY may terminate this AGREEMENT, with or without cause, at any time by giving thirty (30) days written notice of termination to CONSULTANT. In the event such notice is given, CITY may require CONSULTANT to cease immediately all work in progress.

(b) CONSULTANT may terminate this AGREEMENT at any time upon sixty (60) days written notice of termination to CITY. In the event such notice is given, CITY may require CONSULTANT to cease immediately all work in progress.

(c) If CONSULTANT fails to perform any material obligation under this AGREEMENT, then, in addition to any other remedies, CITY may terminate this AGREEMENT immediately upon written notice.

(d) Upon termination of this AGREEMENT by either CONSULTANT or CITY, all property belonging exclusively to CITY which is in CONSULTANT's possession shall be returned to CITY immediately upon demand by CITY, notwithstanding any billing disputes that may then exist under this AGREEMENT. CONSULTANT shall furnish to CITY a final invoice for work performed and expenses incurred by CONSULTANT, prepared as set forth in SECTION 4 of this AGREEMENT. This final invoice shall be reviewed and paid in the same manner as set forth in SECTION 4 of this AGREEMENT.

SECTION 20. DEFAULT.

In the event that CONSULTANT is in default under the terms of this AGREEMENT, the CITY shall not have any obligation or duty to continue compensating CONSULTANT for any work performed after the date of default and may terminate this AGREEMENT immediately by written notice to the CONSULTANT.

SECTION 21. EXCUSABLE DELAYS.

CONSULTANT shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of CONSULTANT. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this AGREEMENT shall be equitably adjusted for any delays due to such causes.

SECTION 22. COOPERATION BY CITY.

All public information, data, reports, records, and maps as are existing and available to CITY as public records, and which are necessary for carrying out the work as outlined in the EXHIBIT "A" "SCOPE OF SERVICES", shall be furnished to CONSULTANT in a reasonable way to facilitate, without undue delay, the work to be performed under this AGREEMENT.

SECTION 23. NOTICES.

All notices required or permitted to be given under this AGREEMENT shall be in writing and shall be personally delivered, or sent by telecopy or certified mail, postage prepaid and return receipt requested, addressed as follows:

To CITY: City of Laguna Woods
Attn: City Manager
24264 El Toro Road
Laguna Woods, CA 92637

To CONSULTANT: Willdan Engineering
ATTN: Director of Building and Safety
2401 East Katella Avenue, Suite 300
Anaheim, CA 92806

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile or, if mailed, three (3) days after deposit of the same in the custody of the United States Postal Service.

SECTION 24. AUTHORITY TO EXECUTE.

The person or persons executing this AGREEMENT on behalf of CONSULTANT represents and warrants that he/she/they has/have the authority to so execute this AGREEMENT and to bind CONSULTANT to the performance of its obligations hereunder.

SECTION 25. BINDING EFFECT.

This AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the parties.

SECTION 26. MODIFICATION OF AGREEMENT.

No amendment to or modification of this AGREEMENT shall be valid unless made in writing and approved by the CONSULTANT and by the City Council or City Manager of CITY. The parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

SECTION 27. WAIVER.

Waiver by any party to this AGREEMENT of any term, condition, or covenant of this AGREEMENT shall not constitute a waiver of any other term, condition, or covenant. Waiver by any party of any breach of the provisions of this AGREEMENT shall not constitute a waiver of any other provision, nor a waiver of any subsequent breach or violation of any provision of this AGREEMENT. Acceptance by CITY of any work or services by CONSULTANT shall not constitute a waiver of any of the provisions of this AGREEMENT.

SECTION 28. LAW TO GOVERN; VENUE.

This AGREEMENT shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the parties, venue in state trial courts shall lie exclusively in the County of Orange. In the event of litigation in a U.S. District Court, venue shall lie exclusively in the District of California in which CITY is located.

SECTION 29. ATTORNEYS FEES, COSTS AND EXPENSES.

In the event litigation or other proceeding is required to enforce or interpret any provision of this AGREEMENT, the prevailing party in such litigation or other proceeding shall be entitled to an award of reasonable attorney's fees, costs and expenses, in addition to any other relief to which it may be entitled.

SECTION 30. ENTIRE AGREEMENT.

This AGREEMENT, including the attached EXHIBITS "A" through "C", is the entire, complete, final and exclusive expression of the parties with respect to the matters addressed therein and supersedes all other agreements or understandings, whether oral or written, or entered into between CONSULTANT and CITY prior to the execution of this AGREEMENT. No statements, representations or other agreements, whether oral or written, made by any party which is not embodied herein shall be valid and binding. No amendment to this AGREEMENT shall be valid and binding unless in writing duly executed by the parties or their authorized representatives.

SECTION 31. SEVERABILITY.

If a term, condition or covenant of this AGREEMENT is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this AGREEMENT shall not be affected thereby and the AGREEMENT shall be read and construed without the invalid, void or unenforceable provision(s).

SECTION 32. NO THIRD PARTY BENEFICIARIES.

This AGREEMENT, its provisions, and its covenants, are for the sole and exclusive benefit of CITY and CONSULTANT. No other parties or entities are intended to be, nor shall be considered, beneficiaries of the performance by either party of any of the obligations under this AGREEMENT.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed the day and year first above written.

CITY OF LAGUNA WOODS:

By _____
Christopher Macon, City Manager

CONSULTANT:

By _____
James M. Guerra, CBO
Director of Building and Safety

APPROVED AS TO FORM:

David B. Cosgrove, City Attorney

EXHIBIT "A"
SCOPE OF SERVICES

CONSULTANT shall perform and complete code enforcement services by providing all labor, tools, equipment, materials, and supplies necessary to complete work in a professional, thorough, and timely manner, in accordance with standards and specifications as contained in this AGREEMENT.

Regular Code Enforcement Services

CONSULTANT shall provide regular code enforcement services including, but not limited to, enforcing the Laguna Woods Municipal Code; CITY ordinances, regulations, or policies; codes or regulations otherwise applicable to CITY; and, conditions of entitlement, land use approvals, permits, or licenses. Regular code enforcement services may include, but are not limited to:

- Receiving and responding to inquiries and complaints, including by interviewing persons reporting possible code violations; taking steps to identify the existence of reported code violations; providing public education and outreach; resolving disputes; and, referring matters to and coordinating with local, state, and federal authorities or other parties;
- Conducting field checks, inspections, investigations, interviews, consultations, research, and other activities to ensure compliance with codes and identify code violations;
- Taking enforcement actions, including by issuing notices of violation, administrative citations, and stop work orders; levying and collecting fees and civil fines; collaborating with other agencies and service providers; delivering, mailing, and posting legal notices; preparing cases for administrative and legal proceedings (including preparing documents to support inspection and abatement warrants); and, conducting abatement activities;
- Preparing, compiling, and disseminating qualitative and quantitative documentation and data, including correspondence, reports, inventories, logs, records, and photographs; and
- Providing testimony and evidence for administrative and legal proceedings.

Regular code enforcement services may also include, but are not limited to:

- Removing illegal temporary signs from CITY-owned or controlled property, including rights of way, medians, parkways, parks, light poles, bus shelters, structures, and equipment;
- Conducting field checks and inspections of CITY-owned or controlled property for graffiti; vandalism; damaged, faded, or missing road signs; inoperative lighting; trash and litter; depleted pet supplies (at CITY's dog park); and, overgrown vegetation; and
- Providing public education and outreach to individuals and businesses on provisions of the Laguna Woods Municipal Code, as well as proposed or pending changes.

Special Code Enforcement Services

On an as-needed basis, CONSULTANT may develop, or assist in the development of, plans,

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procedure manuals, enforcement policies, ordinances, grant applications, or other administrative projects. Work associated with any individual code enforcement case is excluded from “special code enforcement services” and is considered a regular code enforcement service.

Schedule

CONSULTANT shall provide nine (9) hours per week of regular code enforcement services on either Mondays and Wednesdays, or Tuesdays and Thursdays, for four and one-half (4.5) hours each day to be regularly scheduled by CITY and CONSULTANT. On one (1) day per month to be regularly scheduled by CITY and CONSULTANT, services shall also be provided for four (4) additional hours from 4 to 8 p.m., or as otherwise scheduled by CITY and CONSULTANT, for a total of 13 hours of regular code enforcement services for that week. Regular code enforcement services shall not be provided on any day when Laguna Woods City Hall is closed, unless previously authorized in writing by CITY. CITY reserves the right to cancel any regular code enforcement service day with at least 48 hours advance notice.

CONSULTANT shall provide additional regular or special code enforcement services on an as-needed basis, on any day of the week (including weekends and holidays), within two (2) hours of a request by CITY. This AGREEMENT does not state, convey, imply or infer a specific, minimum or expected amount of work or compensation for as-needed code enforcement services.

Standards for Personnel

1. CONSULTANT shall designate a project manager who shall be responsible for overseeing all work performed under this AGREEMENT and coordinating the same with CITY. He or she shall have at least three (3) years of experience involving code enforcement services and be fluent in the English language.
2. At all times, CONSULTANT’s assigned personnel responsible for providing regular code enforcement services shall possess the following minimum qualifications:
 - Three (3) years of law enforcement experience in the State of California; or
 - Three (3) years of code enforcement experience in the State of California; or
 - California Association of Code Enforcement Officers (CACEO) officer certification; or
 - International Code Council Property Maintenance and Housing Inspector certification; or
 - International Code Council Zoning Inspector certification; or
 - P.C. 832 Arrest, Search, and Seizure certification; or
 - Such other experience, education, certification, and/or training to demonstrate knowledge of legal and effective investigations, as determined adequate by CITY staff.

Other Requirements

1. CONSULTANT’s assigned personnel responsible for providing regular code enforcement services shall wear uniforms consisting of a polo, dress-style, or similar shirt with collar;

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long, pants; closed toe shoes; and, identification card in form sufficient to CITY. Uniforms shall be well maintained and in good condition at all times.

2. CONSULTANT's assigned personnel responsible for providing regular code enforcement services shall be provided by CONSULTANT with all equipment necessary to perform regular code enforcement services including, but not limited to, calibrated noise meters, cellular telephones, digital cameras capable of embedding the time and date in photographs, and personal protective equipment to safely enter and inspect spaces impacted by hoarding and similar circumstances. CITY shall make available to CONSULTANT a small workspace, telephone, computer, printer, and copier at Laguna Woods City Hall.
3. CONSULTANT's assigned personnel responsible for providing regular code enforcement services shall document the services that they provide on paper forms and Microsoft Word and Excel documents in form sufficient to CITY. If CITY implements code enforcement software, CONSULTANT's assigned personnel responsible for providing regular code enforcement services shall be required to use it in the performance of their services.
4. CONSULTANT's assigned personnel responsible for providing regular code enforcement services shall retrieve and respond to all emails, voicemails, and messages received prior to the beginning of each shift, no later than the end of that same shift, and document the same in form sufficient to CITY.

EXHIBIT "B"
COMPENSATION

CONSULTANT shall be compensated on an hourly basis using the following rates:

<u>Service</u>	<u>Hourly Rate</u> <u>Weekdays¹</u>	<u>Hourly Rate</u> <u>Weekends/Federal</u> <u>Holidays¹</u>
Regular Code Enforcement Services	\$58 per hour	\$87 per hour
Special Code Enforcement Services	\$65 per hour	\$97.50 per hour

¹ Hourly rates are not subject to minimums or maximums and are all inclusive with the exception of reproduction; oversized and specialty printing; and, courier and mailing services, all of which must be authorized by CITY, in advance, and may only be charged to CITY at cost (as evidenced by receipts). Reproduction and oversized and specialty printing shall be subject to a 10% markup over cost. CONSULTANT shall not be reimbursed for any other expenses including, but not limited to, mileage; travel; lodging; food; drink; computer, voice, and data line usage; and, the provision and maintenance of required uniforms or equipment.

Hourly rates will not increase during the term of this AGREEMENT.

EXHIBIT "C"
INSURANCE

A. **Insurance Requirements.** CONSULTANT shall provide and maintain insurance, acceptable to the City Manager of CITY or his or her designee or City Attorney, in full force and effect throughout the term of this AGREEMENT, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by CONSULTANT, its agents, representatives or employees. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII. CONSULTANT shall provide the following scope and limits of insurance:

1. **Minimum Scope of Insurance.** Coverage shall be at least as broad as:

(1) Insurance Services Office form Commercial General Liability coverage (Occurrence Form CG 0001).

(2) Insurance Services Office form number CA 0001 (Ed. 1/87) covering Automobile Liability, including code 1 "any auto" and endorsement CA 0025, or equivalent forms subject to the written approval of CITY.

(3) Workers' Compensation insurance as required by the Labor Code of State of California and Employer's Liability insurance and covering all persons providing services on behalf of the CONSULTANT and all risks to such persons under this AGREEMENT.

(4) Errors and omissions liability insurance appropriate to the CONSULTANT's profession.

2. **Minimum Limits of Insurance.** CONSULTANT shall maintain limits of insurance no less than:

(1) General Liability: \$1,000,000 per occurrence for all covered losses and no less than \$2,000,000 general aggregate for bodily injury, personal injury and property damage.

(2) Automobile Liability: \$1,000,000 per accident for bodily injury and property damage.

(3) Workers' Compensation and Employer's Liability: Workers' Compensation as required by the Labor Code of the State of California and Employers Liability limits of \$1,000,000 per accident.

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B. Other Provisions. Insurance policies required by this AGREEMENT shall contain the following provisions:

1. All Policies. Each insurance policy required by this AGREEMENT shall be endorsed and state that the coverage shall not be suspended, voided, cancelled by the insurer or either party to this AGREEMENT, reduced in coverage or in limits except after 30 days' prior written notice by Certified mail, return receipt requested, has been given to the City Manager of CITY or his or her designee.

2. General Liability and Automobile Liability Coverages.

(1) CITY, and its respective elected and appointed officers, officials, and employees and volunteers are to be covered as additional insureds as respects: liability arising out of activities CONSULTANT performs; products and completed operations of CONSULTANT; premises owned, occupied or used by CONSULTANT; or automobiles owned, leased, hired or borrowed by CONSULTANT. The coverage shall contain no special limitations on the scope of protection afforded to CITY, and their respective elected and appointed officers, officials, or employees.

(2) CONSULTANT's insurance coverage shall be primary insurance with respect to CITY, and its respective elected and appointed, its officers, officials, employees and volunteers. Any insurance or self insurance maintained by CITY, and its respective elected and appointed officers, officials, employees or volunteers, shall apply in excess of, and not contribute with, CONSULTANT's insurance.

(3) CONSULTANT's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

(4) Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to CITY, and its respective elected and appointed officers, officials, employees or volunteers.

3. Workers' Compensation and Employer's Liability Coverage.

Unless the City Manager of CITY or his or her designee otherwise agrees in writing, the insurer shall agree to waive all rights of subrogation against CITY, and its respective elected and appointed officers, officials, employees and agents for losses arising from work performed by CONSULTANT.

C. Other Requirements. CONSULTANT agrees to deposit with CITY, at or before the effective date of this contract, certificates of insurance necessary to satisfy CITY that the insurance provisions of this contract have been complied with. The City Attorney may require that CONSULTANT furnish CITY with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. CITY reserves the right to inspect

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complete, certified copies of all required insurance policies, at any time.

1. CONSULTANT shall furnish certificates and endorsements from each subcontractor identical to those CONSULTANT provides.

2. Any deductibles or self-insured retentions must be declared to and approved by CITY. At the option of CITY, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects CITY or its respective elected or appointed officers, officials, employees and volunteers or the CONSULTANT shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.

3. The procuring of such required policy or policies of insurance shall not be construed to limit CONSULTANT's liability hereunder nor to fulfill the indemnification provisions and requirements of this AGREEMENT.

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**EL TORO ROAD REGIONAL TRAFFIC SIGNAL
SYNCHRONIZATION PROGRAM PROJECT P
(*NO REPORT*)**

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6.7

**MOULTON PARKWAY REGIONAL TRAFFIC
SIGNAL SYNCHRONIZATION PROGRAM
PROJECT P
(NO REPORT)**

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6.8
CITY HALL RESTROOM REPAIR AND
IMPROVEMENT PROJECT
(NO REPORT)

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6.9

**URBAN COUNTY COMMUNITY DEVELOPMENT
BLOCK GRANT AND OTHER PROGRAMS
COOPERATION AGREEMENT**

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**AMENDMENT FOUR TO
COOPERATION AGREEMENT BETWEEN
THE COUNTY OF ORANGE
AND
CITY OF LAGUNA WOODS**

This Amendment Number FOUR (hereinafter "Amendment FOUR") is made and entered into by the County of Orange, a political subdivision of the State of California, ("COUNTY") and CITY OF LAGUNA WOODS, a municipal corporation, ("CITY"), DUNS Number 602270279 which are sometimes individually referred to as "Party" or collectively referred to as "Parties", and is effective as of July 1, 2018, hereinafter referred to as "EFFECTIVE DATE".

WHEREAS, COUNTY and CITY executed that certain COOPERATION AGREEMENT "Small-City" (hereinafter "Original Agreement" or "Agreement") for commencement July 1, 2005; and

WHEREAS, the Original Agreement was amended by Amendment ONE, effective as of July 16, 2008; and

WHEREAS, the Original Agreement was amended by Amendment TWO, effective as of July 1 2012; and

WHEREAS, the Original Agreement was amended by Amendment THREE, effective as of July 1, 2015; and

WHEREAS, U.S. Department of Housing and Urban Development ("HUD") Notice CPD-14-07 allows "automatic" renewals for up to three years provided that COUNTY sends a letter to CITY notifying it that the Original Agreement will be renewed unless CITY notifies COUNTY that it wishes to terminate the agreement and a copy of such a letter is provided to HUD; and

WHEREAS, COUNTY sent CITY a letter notifying CITY of such renewal on February 2, 2017; and

WHEREAS, CITY did not advise COUNTY that it wished to terminate the Original Agreement with County; and

WHEREAS, the Parties desire to further amend the Original Agreement at this time in the manner set forth herein.

NOW, THEREFORE, the Parties hereby agree to the following modifications to the Original Agreement:

1. Section 2 of the Original Agreement is amended in its entirety as follows:

"COUNTY shall have the authority to carry out activities, which will be funded from annual Community Development Block Grant (CDBG), Home Investment Partnership (HOME) and Emergency Solutions Grant (ESG) Program funds appropriated for Federal Fiscal Years 2018-2019, 2019-2020 and 2020-2021 and from any program income generated from the expenditure of such funds."

2. Section 6 of the Original Agreement shall be amended to add subsection (c.) as follows:
 - "c. A policy to undertake or assist in undertaking, community renewal and lower-income housing assistance activities."

3. Section 9 of the Original Agreement shall read as amended in its entirety as follows:

This Agreement shall cover Fiscal Years 2018-2019, 2019-2020 and 2020-2021, respectively of CDBG, HOME and ESG program applications, including any subsequent Supplemental sources (Paragraph 23 of the Agreement). In no event shall this agreement be terminated by either Party before June 30, 2021, except as allowed in legislation enacted by the U.S. Congress for termination or withdrawal from the Urban County Program and as permitted by HUD.

4. Section 10 shall be added to Agreement to read:

"In accordance with HUD Notice CPD 14-07, and subsequent CPD Notices, this Agreement will be automatically extended for an additional 3 (three) year period (July 1, 2021 to June 30, 2024) unless COUNTY or CITY provides written notice that it elects not to participate in a new qualification period. COUNTY shall notify CITY in writing of its right not to participate any longer than the date specified in HUD's Urban County Qualification Notice for the next qualification period."

5. Section 11. Of the Original Agreement is amended to read:

"CITY and COUNTY agree to adopt amendments (s) to this Agreement as may be required by HUD to meet any new Urban County Qualification requirement(s) subsequent to June 30, 2020. The COUNTY will notify CITY of its right to terminate its participation in the program based on the adoption of any such amendment. If either CITY or COUNTY refuses to adopt any such amendment, this automatic renewal provision herein will be void."

6. Section 24. Is amended to read:

"CITY may void this Agreement only if it submits to COUNTY on or before June 2017 the notification from HUD that CITY has qualified as a "Metropolitan City" or an "Entitlement City" prior to the completion of the

re-qualification process for Fiscal Years 2018-19, 2019-2020, and 2020-2021. Upon such notification by HUD, CITY also must submit to COUNTY and HUD written notification of its decision to either remain in the Urban County Program as a "Metropolitan City" or become an "Entitlement City" as a separate entity."

- 7. All other provisions of the Original Agreement, as amended, a copy of which is attached hereto as Exhibit A and incorporated by this reference, to the extent they are not inconsistent with this Agreement, remain unchanged and in full force and effect.

IN WITNESS WHEREOF, CITY has caused this Amendment FOUR to be executed by its City Manager and attested by its City Clerk; COUNTY has caused this Amendment FOUR to be executed by the Director of the Orange County Community Resources; each having been duly authorized by the CITY Council and the COUNTY Board of Supervisors, respectively.

ATTEST:

City of _____, a municipal Corporation in the State of California

By: _____
Name:

Title: City Manager

Date: _____

By: _____
Name:

Title: City Clerk

Date: _____

COUNTY OF ORANGE, a political subdivision of the State of California

By: _____
Dylan Wright, Director

Orange County Community Resources

Date: _____

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**CONDITIONAL USE PERMIT CUP-1135 TO
ALLOW FOR EXCEEDANCES OF MAXIMUM
FENCE AND WALL HEIGHT PROVISIONS OF
THE LAGUNA WOODS MUNICIPAL CODE,
ALONG ALL PERIMETER FENCES AND WALLS
OF LAGUNA WOODS VILLAGE**

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City of Laguna Woods Agenda Report

TO: Honorable Mayor and City Councilmembers
FROM: Christopher Macon, City Manager
FOR: May 17, 2017 Regular Meeting
SUBJECT: Conditional Use Permit CUP-1135 to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village

Recommendation

1. Receive staff report.

AND
2. Open public hearing.

AND
3. Receive public testimony.

AND
4. Close public hearing.

AND
5. Approve a resolution entitled:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1135 TO ALLOW FOR EXCEEDANCES OF MAXIMUM FENCE AND WALL HEIGHT PROVISIONS OF THE LAGUNA WOODS

MUNICIPAL CODE, ALONG ALL PERIMETER FENCES AND WALLS
OF LAGUNA WOODS VILLAGE, LAGUNA WOODS, CA 92637

Background

The City has received a conditional use permit application from the Golden Rain Foundation of Laguna Woods (Applicant), with concurrence from Third Laguna Hills Mutual and United Laguna Woods Mutual, to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, up to a maximum height of seven feet when viewed from adjoining properties, along all perimeter fences and walls of Laguna Woods Village. The application was neither initiated nor requested by the City.

Project Location: Perimeter of Laguna Woods Village
Laguna Woods, CA 92637

A vicinity map is included as Attachment A.

The project location is within an existing residential community, known as Laguna Woods Village, which is primarily residential in nature. If approved, the perimeter fences and walls of Laguna Woods Village would be modified, over time, in both height and material.

Section 13.16.230 of the Laguna Woods Municipal Code limits fence and wall heights to a maximum of six feet when viewed from adjoining properties. Issuance of a conditional use permit is required when exceptions and modifications are made to the fence and wall height provisions of the Laguna Woods Municipal Code.

Discussion

At today's meeting, the City Council will conduct a public hearing regarding the application for a conditional use permit to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village, after which approval will be considered (Attachment B).

If the conditional use permit is approved, Laguna Woods Village's perimeter fences and walls would be permitted to reach a maximum height of seven feet when viewed from adjoining properties, an increase of one foot from what the Laguna Woods Municipal Code allows by right. The application does not propose any change in the

location of fences or walls, but does indicate a present intention to replace existing barbed wire with shepherd's hook over a 24-year period. The conditional use permit would neither require the use of shepherd's hook nor prevent the use of solid, masonry block, similar to Laguna Woods Village's existing perimeter walls. Barbed wire would not be permitted as a replacement material due to a City prohibition on the installation of new barbed wire in 2003. That prohibition applies to new barbed wire; existing barbed wire is allowed to remain in-place.

In many cases, Laguna Woods Village's perimeter walls and fences already exceed six feet when viewed from adjoining properties due to legal, non-conforming barbed wire toppings. The conditional use permit would allow the barbed wire to be replaced with a new material (e.g., shepherd's hook or masonry), at a height of up to seven feet. Absent the conditional use permit, if the barbed wire were to be removed (which there is no current City requirement to do so), fence and wall height would be limited to six feet, which is lower than currently exists in certain locations.

The proposed resolution approving the conditional use permit includes conditions of approval (Exhibit A to Attachment B), which would regulate the modification of the perimeter fences and walls in a manner that is consistent with the purpose and intent of Section 13.16.230 of the Laguna Woods Municipal Code. In order to maintain the conditional use permit's effectiveness, at least 900 lineal feet of fencing and walls would be required to be modified every calendar year beginning in 2018. "Modified" would include height increases in excess of six feet and/or removal and replacement of barbed wire with shepherd's hook, masonry, or similar materials.

Environmental Review

This project is categorically exempt under sections 15301 (Existing Facilities) and 15303(e) (Small Structures) of the California Environmental Quality Act (CEQA) guidelines.

Fiscal Impact

The City's expenses associated with processing this project are recovered through planning services fees.

Report Prepared With: Rebecca M. Pennington, Development Programs Analyst

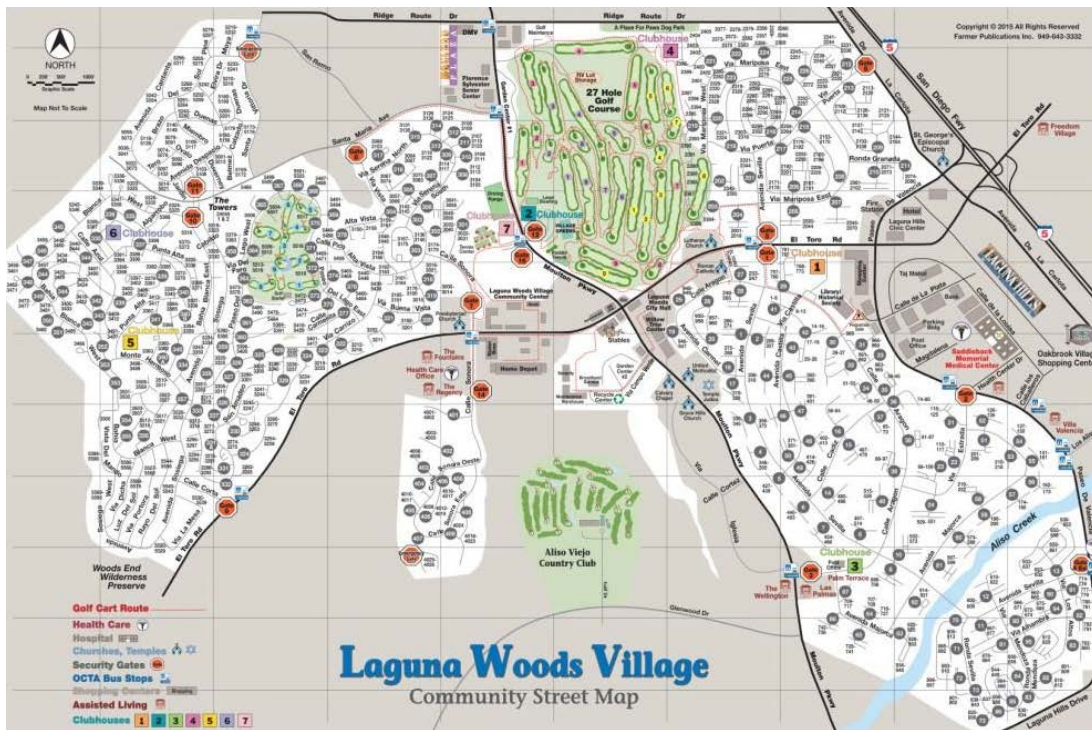
Attachments: A – Vicinity Map
B – Proposed Resolution
Exhibit A – Proposed Conditions of Approval

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Vicinity Map

Perimeter of Laguna Woods Village

Project Area



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RESOLUTION NO. 17-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT CUP-1135 TO ALLOW FOR EXCEEDANCES OF MAXIMUM FENCE AND WALL HEIGHT PROVISIONS OF THE LAGUNA WOODS MUNICIPAL CODE, ALONG ALL PERIMETER FENCES AND WALLS OF LAGUNA WOODS VILLAGE, LAGUNA WOODS, CA 92637

WHEREAS, on May 17, 2017, the City Council of the City of Laguna Woods, after giving notice thereof as required by law, held a public hearing concerning the requested conditional use permit to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village; and

WHEREAS, the City Council has carefully considered all pertinent testimony, as well as all information contained in the agenda report prepared for this application, as presented at the public hearing; and

WHEREAS, staff has reviewed the environmental form submitted by the applicant in accordance with the City's procedures. Based upon the information received and staff's assessment of the information, the project has been determined to be categorically exempt pursuant to sections 15301 (Existing Facilities) and 15303(e) (Small Structures) of the California Environmental Quality Act (CEQA); and

WHEREAS, all legal prerequisites have occurred prior to the adoption of this resolution; and

WHEREAS, the City Council makes the following findings subject to the conditions of approval:

1. The proposed use or project is consistent with the City of Laguna Woods General Plan.

The proposed project is consistent with the Residential Community (RC) land use designation of the City's General Plan. Additionally, Objective 1 of the General Plan Housing Element is to maintain and improve residential neighborhoods and support quality housing for all residents. The proposal would allow for the exceedances of maximum fence and wall height

provisions of the Laguna Woods Municipal Code, up to a maximum height of seven feet along all perimeter fences and walls of Laguna Woods Village. Conditions of approval would also provide for the replacement of barbed wire with masonry, shepherd's hook, or similar materials. As such, the applicant would be able to maintain and improve existing perimeter walls by increasing height or modifying materials.

2. The use, activity or improvements proposed are consistent with the provisions of the City Zoning Code.

The proposed project, which seeks an exception and modification of the maximum fence and wall height provisions of Section 13.16.230 of the Laguna Woods Municipal Code, is permitted under the City's Zoning Code contingent upon receiving a conditional use permit and making certain findings that the project will not result in or create a traffic hazard and will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

3. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act.

Based upon the information received from the applicant and staff's assessment of the information, the proposed project has been determined to be categorically exempt under sections 15301 (Existing Facilities) and 15303(e) (Small Structures) of the California Environmental Quality Act (CEQA) guidelines.

4. The location, size, design and operating characteristics of the proposed use will not create conditions or situations that may be incompatible with other permitted uses in the vicinity.

The proposal to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, along all perimeter fences and walls of Laguna Woods Village shall have no demonstrable adverse effect upon abutting properties. The project boundaries are generally similar to the City's jurisdiction lines. The project area also abuts the cities of Aliso Viejo, Laguna Beach, and Laguna Hills, as well as unincorporated areas. Neighboring properties in all cardinal directions have a wide variety of land uses, most of which include the use of fences and/or walls of varying heights and materials.

5. The approval of the permit application will not result in conditions or circumstances contrary to the public health, safety and the general welfare.

With the approval of the conditional use permit, conditions of approval have been added, which would regulate the modification of the perimeter fences and walls in a manner that is consistent with the purpose and intent of Section 13.16.230 of the Laguna Woods Municipal Code. Such conditions will assist in protecting the general public from any potential hazard.

6. The approval of the permit application is in compliance with all City-required public facilities regulations.

The proposal to allow for exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, up to a maximum height of seven feet, along all perimeter fences and walls of Laguna Woods Village has been evaluated against all City regulations through the conditional use permit process and is deemed in compliance, subject to the conditions of approval.

7. The height and location of the fence or wall as proposed will not result in or create a traffic hazard.

The current locations of the existing perimeter fences and walls included in the proposal do not present any known traffic hazard. The applicant has represented the same. The potential maximum height of fences and walls in excess of what is permitted by right is minimal (one foot). For modification of existing fences and walls, the applicant may be required to obtain building permits. For construction of new fences and walls, the applicant may be required to obtain building permits and planning approval (setback review, etc.). Existing law and the Laguna Woods Municipal Code gives the City the ability to challenge and abate hazardous conditions.

8. The location, size, design and other characteristics of the fence or wall will not create conditions or situations that may be objectionable, detrimental or incompatible with other permitted uses in the vicinity.

Permitted uses in the vicinity include a wide variety of land uses, most of which include the use of fences and/or walls of varying heights and materials. The potential maximum height of fences and walls in excess of what is permitted by right is minimal (one foot). The permitted materials for

the increased fence height are ordinary, consisting of shepherd’s hook, masonry, or similar materials. The proposed modifications would not create conditions or situations that would be objectionable, detrimental, or incompatible to the uses in the abutting area.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. The above recitals are true and correct.

SECTION 2. The City Council approves Conditional Use Permit CUP-1135 subject to the conditions of approval found in Exhibit A.

SECTION 3. The Deputy City Clerk shall certify to the adoption of this resolution.

PASSED, APPROVED AND ADOPTED on this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Resolution No. 17-XX** was duly adopted by the City Council of the City of Laguna Woods at a regular meeting thereof, held on the XX day of XX 2017, by the following vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

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Exhibit A to Resolution No. 17-XX

Conditions of Approval for Conditional Use Permit CUP-1135

1. The proposed project shall be constructed, developed, used, operated, and permanently maintained in accordance with the terms of the application, plans, drawing, and conditions imposed in the resolution of approval.
2. The Applicant(s)/Owner(s) shall comply with all of the requirements of Resolution No. 17-XX, adopted as part of Conditional Use Permit CUP-1135.
3. The Applicant(s)/Owner(s) shall comply with all requirements of the City of Laguna Woods Municipal Code, as it pertains to this application, and such requirements are made a condition of permit approval. This includes, but is not limited to, all requirements related to building permits, engineering review, and plan review, generally, of proposed construction plans.
4. This conditional use permit allows exceedances of maximum fence and wall height provisions of the Laguna Woods Municipal Code, up to a maximum height of seven feet when viewed from adjoining properties, along all perimeter fences and walls of Laguna Woods Village. Permitted materials for any portion of a fence or wall in excess of six feet in height are shepherd's hook, masonry, or similar materials as determined by the City Manager.
5. Subject to the termination provisions below, this conditional use permit shall remain in effect, indefinitely, provided that at least 900 lineal feet of perimeter fencing and walls for Laguna Woods Village is modified each calendar year with the first requirement of 900 lineal feet due no later than December 31, 2018. For the purpose of this section, "modified" shall mean increased in height in excess of six feet and/or the removal and replacement of barbed wire with shepherd's hook, masonry, or similar materials as determined by the City Manager.
6. Termination: It is a specific condition of this conditional use permit that the Applicant(s)/Owner(s) shall prosecute the perimeter walls and fencing modifications hereunder diligently and to completion, completing no less than 900 lineal feet of modifications each calendar year, until all such

ITEM 7.1 – Exhibit A to Attachment A

modifications have been completed, and failure to do so shall be grounds for revocation of the CUP as to all then-remaining unmodified portions of the perimeter walls and fencing, under Laguna Woods Municipal Code Section 13.24.080(a)(3). The Applicant(s)/Owner(s) shall provide the City with a report on each December 31, beginning on December 31, 2018, indicating the amount of lineal feet of fencing and walls that the Applicant(s)/Owner(s) have succeeded in modifying over the preceding calendar year, the location and nature of such modifications, and the location(s) of modifications planned for the upcoming calendar year. Upon the Applicant(s)/Owner(s)' failure to modify at least 900 lineal feet of the perimeter walls and fencing in any given calendar year, the City may notice a public hearing on the revocation of this conditional use permit for all remaining unmodified portions of the perimeter walls and fencing. Such revocation shall not affect those portions of perimeter walls and fencing previously modified in compliance with the approvals granted hereunder, but the Applicant(s)/Owner(s)' completion of such portions does not and shall not create any vested rights to any continued completion of any remaining, unmodified portions if the Applicant(s)/Owner(s) fail to modify the required 900 lineal feet per year.

7. The Applicant(s)/Owner(s), or successor in interest, shall as a condition of issuance of this permit, at its sole expense, defend, indemnify, and hold harmless the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers from any claim, action, or proceeding against the City and its respective elected and appointed boards, officials, officers, agents, employees and volunteers to attach, set aside, void or annul an approval of the City Council, Planning Agency, or other decision-making body, or staff action concerning this conditional use permit approval, or its implementation. The Applicant(s)/Owner(s) shall pay all of the City's defense costs incurred by counsel of the City's choosing, and shall reimburse the City for any and all court costs and other parties' attorney fees that the City may be required by a court to pay as a result of such defense. The Applicant(s)/Owner(s) may at its sole discretion participate in the defense of any such action under this condition, with its own counsel.

8.1

**STATE VIDEO FRANCHISE AND PUBLIC,
EDUCATIONAL, AND GOVERNMENTAL
("PEG") FEES**

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager

FOR: May 17, 2017 Regular Meeting

SUBJECT: State Video Franchise and Public, Educational, and Governmental (“PEG”) Fees

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RETROACTIVELY READOPTING SECTION 6.42.020 OF CHAPTER 6.42 OF TITLE 6 OF THE LAGUNA WOODS MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE AND PEG FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

Background

Section 6.42.020 of the Laguna Woods Municipal Code contains regulations related to the imposition of a Public, Educational, and Governmental (“PEG”) fee on state franchised video service providers operating within the City. Those regulations were adopted in 2007 and have remained unchanged since then. The PEG fee is charged in the amount of 1% of gross revenue and is used by the City to support any PEG-related purpose consistent with state and federal law (e.g., the operation and maintenance of the City’s television channel; “Channel 31”).

In 2006, the California Legislature adopted the Digital Infrastructure and Video Competition Act (“DIVCA”), which changed the manner in which video service providers are regulated by placing local franchising with a state franchising system administered by the California Public Utilities Commission. DIVCA authorizes cities to adopt an ordinance imposing a fee on state franchise holders to support PEG-related purposes, provided, however, that ordinances adopting PEG fees “shall expire, and may be reauthorized, upon the expiration of the state franchise” (Cal. Pub. Utilities Code § 5870(n)).

Pacific Bell Telephone Company d/b/a SBC Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”) and Cox Communications California, LLC d/b/a Cox Communications (“Cox”) hold state video franchises to operate in Laguna Woods. Those franchises expired on March 30, 2017 and April 27, 2017, respectively.

On April 19, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment A) which, if adopted, would retroactively readopt and reauthorize the PEG fee effective March 30, 2017.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed retroactive readoption and reauthorization of PEG fees charged to state video franchisees (Attachment A). The proposed ordinance would also repeal and replace Urgency Ordinance No. 17-02, which pertains to the exact same issue.

If the City Council takes the recommended action at today’s meeting, the proposed ordinance would become effective in 30 days.

Environmental Review

The adoption of regulations is not a project under the requirements of the California Environmental Quality Act (CEQA), pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Fiscal Impact

Funds to support this project are included in the City’s budget.

In Fiscal Year 2015-16, the City received approximately \$3,000 in PEG fees from state video franchisees. If the City Council does not reauthorize the PEG fee, the City would no longer receive PEG fees from state video franchisees following the expiration of existing state video franchises.

Attachment: A – Proposed Ordinance

ORDINANCE NO. 17-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, RETROACTIVELY READOPTING SECTION 6.42.020 OF CHAPTER 6.42 OF TITLE 6 OF THE LAGUNA WOODS MUNICIPAL CODE ENTITLED “STATE VIDEO FRANCHISE AND PEG FEES” RELATING TO STATE FRANCHISES FOR CABLE COMMUNICATIONS; AND REAUTHORIZING A FEE TO SUPPORT PUBLIC, EDUCATIONAL, AND GOVERNMENTAL (“PEG”) CHANNEL FACILITIES WITHIN THE CITY’S JURISDICTION

WHEREAS, the City Council adopted Ordinance No. 07-03 on June 27, 2007, wherein a new Chapter 6.42 was added to Title 6 of the Laguna Woods Municipal Code called “Regulation of State Video Franchise Holders” that imposed certain fees on cable providers within the City’s jurisdiction; and

WHEREAS, Public Utilities Code section 5870(n) provides that the Public, Educational, and Governmental (“PEG”) PEG fee may be reauthorized upon the expiration of an applicable state franchise; and

WHEREAS, the first state franchise to include the City, California Video Franchise Certificate Franchise No. 0002 granted to Pacific Bell Telephone Company d/b/a SBC Pacific Bell Telephone Company d/b/a AT&T California (“AT&T”), expires on March 30, 2017; and

WHEREAS, the second state franchise to include the City, California Video Franchise Certificate Franchise No. 0003 granted to Cox Communications California, LLC d/b/a Cox Communications (“Cox”), expires on April 27, 2017; and

WHEREAS, on April, 2017, the City Council held a duly noticed public hearing on the proposed Ordinance at which it considered all of the information, evidence, and testimony presented, both written and oral.

WHEREAS, the City Council intends to readopt Section 6.42.020 of the Laguna Woods Municipal Code to reauthorize the collection of PEG fees.

THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Section 6.42.020 of Chapter 6.42 of Title 6 of the Laguna Woods Municipal Code entitled “State Video Franchise and PEG Fees” is hereby readopted in its entirety to read as follows:

Sec. 6.42.020. - State video franchise and PEG fees.

- (a) For any state video franchise holder operating within the boundaries of the City, there shall be a fee paid to the City equal to five (5%) percent of the gross revenue of that State video franchise holder.
- (b) For any state video franchise holder operating within the boundaries of the City, there shall be an additional fee paid to the City equal to one (1%) percent of the gross revenue of that state video franchise holder, which fee shall be used by the City for any Public, Educational, and/or Governmental (PEG) purposes consistent with State and Federal law.
- (c) Gross revenue, for the purposes of subsections (a) and (b) above, shall have the definition set forth in California Public Utilities Code § 5860.
- (d) The City Council, may, by resolution, opt to temporarily waive the collection, but not the imposition, of the franchise fee and/or the PEG fee.

SECTION 2. In readopting this Section 6.42.020 of Chapter 6.42 of Title 6 of the Laguna Woods Municipal Code, the City intends, to the extent required by California Public Utilities Code section 5870(n), to reauthorize the Public, Educational, and Governmental (“PEG”) channel facilities fee adopted by the City on June 2, 2009, effective March 30, 2017. In adopting this Ordinance, the City does not in any manner affect or alter the continuing obligation of State franchisees to collect and pay the preexisting PEG fee.

SECTION 3. This Ordinance shall take effect and be in full force and operation thirty (30) days after adoption. Upon the effective date of this Ordinance, Urgency Ordinance No. 17-XX shall be repealed and replaced in its entirety. Furthermore, the City Council declares its intent that the reauthorization of the PEG access fees shall be retroactive to March 30, 2017, to the end that there be no interruption of PEG fee revenues to the City.

SECTION 4. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase added by this Ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such

decision shall not affect the validity of effectiveness of the remaining portions of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs sentences, clauses, or phrases are declared unconstitutional, invalid, or ineffective.

SECTION 5. The Deputy City Clerk shall certify to the passage of this Ordinance and shall cause this Ordinance to be published or posted as required by law.

SECTION 6. All of the above-referenced documents and information have been and are on file with the City Clerk of the City.

PASSED, APPROVED AND ADOPTED this XX day of XX 2017.

SHARI L. HORNE, Mayor

ATTEST:

YOLIE TRIPPY, Deputy City Clerk

APPROVED AS TO FORM:

DAVID B. COSGROVE, City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF LAGUNA WOODS)

I, YOLIE TRIPPY, Deputy City Clerk of the City of Laguna Woods, do HEREBY CERTIFY that the foregoing **Ordinance No. 17-XX** was duly introduced and placed upon its first reading at a regular meeting of the City Council on the XX day of XX 2017, and that thereafter, said Ordinance was duly adopted and passed at a regular meeting of the City Council on the XX day of XX 2017 by the following vote to wit:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS:
ABSENT: COUNCILMEMBERS:

YOLIE TRIPPY, Deputy City Clerk

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8.2

**MEDICAL AND NON-MEDICAL MARIJUANA
DISPENSARY REGULATIONS**

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City of Laguna Woods

Agenda Report

TO: Honorable Mayor and City Councilmembers

FROM: Christopher Macon, City Manager
David B. Cosgrove, City Attorney

FOR: May 17, 2017 Regular Meeting

SUBJECT: Medical and Non-Medical Marijuana Dispensary Regulations

Recommendation

Approve second reading and adopt an ordinance – read by title with further reading waived – entitled:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAGUNA WOODS, CALIFORNIA, AMENDING SECTIONS 13.08.010, 13.10.020, 13.12.020, 13.13.020, AND 13.26.025 AND ADDING A NEW SECTION 13.26.027 OF THE LAGUNA WOODS MUNICIPAL CODE RELATED TO MEDICAL AND NON-MEDICAL MARIJUANA DISPENSARIES AND DELIVERY SERVICES

Background

The City presently has a regulatory ordinance permitting medical marijuana dispensaries, codified at Section 13.26.025 of the Laguna Woods Municipal Code. The ordinance was adopted in 2008 and subsequently amended in 2012.

At a special meeting on September 10, 2015, the City Council adopted an urgency ordinance that imposed a moratorium on the establishment, location, or operation of medical marijuana dispensaries for a 45-day period (September 10, 2015 through October 24, 2015). At a special meeting on October 13, 2015, the City Council adopted an ordinance extending the moratorium through September 8, 2016. Then, at a regular meeting on August 17, 2016, the City Council adopted an ordinance

extending the moratorium through September 8, 2017. Pursuant to state law, the moratorium may not be extended beyond September 8, 2017.

During the moratorium, all operation of Section 13.26.025 of the Laguna Woods Municipal Code is suspended and the City may not issue regulatory permits in furtherance of the establishment, location, or operation of a medical marijuana dispensary within the City. The agenda reports from the meetings on September 10, 2015, October 13, 2015, and August 17, 2016, as well as the ordinance adopted on August 17, 2016, are included as attachments A, B, C, and D, respectively, and incorporated herein by reference.

For reasons, and in light of findings, set forth in the ordinances, and in accordance with applicable sections of state law, the moratorium was deemed necessary for the immediate preservation of the public health, safety, and welfare, to prohibit any uses that may be in conflict with a contemplated zoning proposal that the City is considering or intends to study within a reasonable time.

As described in the ordinances, the moratorium is intended to provide the City time to study the effect of medical marijuana dispensaries on the community, and to assess its ability to draft and adopt regulations consistent with its inherent police power to determine, for purposes of the public health, safety, and welfare, the appropriate uses of land within its jurisdiction.

On April 19, 2017, a public hearing was held and the City Council introduced and approved the first reading of an ordinance (Attachment H) which, if adopted, would take the actions summarized under the “Recommended Action” heading herein.

Discussion

Today’s meeting is an opportunity for City Council action, as well as public input, on the proposed second reading and adoption of the ordinance that was introduced and approved for the first reading on April 19, 2017 (Attachment H). If the City Council takes the recommended action, the proposed ordinance would become effective in 30 days. Until then, the moratorium would remain in effect.

Since August 17, 2016, staff has continued the investigations requested by the City Council with a focus on analyzing the impact of Proposition 64, as well as public safety and land use implications related to any prospective establishment, location, or operation of medical marijuana dispensaries in Laguna Woods. With the recent